

THE NEVV MAN

OR,

A SVPPPLICATION FROM AN
vnknowne Person, a Roman Catholike vnto
IAMES., *the Monarch of Great Brittain,* and
from him to the Emperour, Kings, and Prin-
ces of the Christian World.

Touching

The causes and reasons that will argue a necessity
of a Generall Councell to be forthwith assembled a-
gainst him that now vsurps the papall Chaire
vnder the name of Paul the fifth.

Wherein are discovered more of the secret Inqui-
ties of that Chaire and Court, then hitherto their friends
feared, or their very aduersaries did suspect.

Translated into English by *William Crashaw*, Batchelour in Di-
uinity, according to the Latine Copy, sent from
Rome into England.



LONDON,

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to bee sold in *Distaffe-lane*, at the signe of
the *Dolphin*. 1622.

THE FIVE MAN

CHAPTER I

It was a fine morning in the month of May, and the sun was shining brightly on the faces of the five men who were standing on the beach, looking out at the sea. They were all dressed in the simple, practical clothing of the day, and their expressions were of various kinds. Some were looking at the water with interest, some were talking to each other, and some were looking at the sky. They were all men of different ages and different complexions, but they all had a certain air of adventure about them. They were the five men who were to go on the voyage, and they were all looking forward to the day when they would set sail.

The first of the men was a tall, thin man with a long, straight nose and a pair of deep-set eyes. He was dressed in a simple, dark coat and trousers, and he had a serious expression on his face. He was the captain of the ship, and he was looking out at the sea with a look of determination. He was the man who was to lead the five men on their voyage, and he was looking forward to the day when they would set sail.

The second of the men was a shorter, rounder man with a broad, flat nose and a pair of small, round eyes. He was dressed in a simple, dark coat and trousers, and he had a cheerful expression on his face. He was the first mate of the ship, and he was looking out at the sea with a look of interest. He was the man who was to help the captain on their voyage, and he was looking forward to the day when they would set sail.

The third of the men was a tall, thin man with a long, straight nose and a pair of deep-set eyes. He was dressed in a simple, dark coat and trousers, and he had a serious expression on his face. He was the second mate of the ship, and he was looking out at the sea with a look of interest. He was the man who was to help the first mate on their voyage, and he was looking forward to the day when they would set sail.

The fourth of the men was a shorter, rounder man with a broad, flat nose and a pair of small, round eyes. He was dressed in a simple, dark coat and trousers, and he had a cheerful expression on his face. He was the third mate of the ship, and he was looking out at the sea with a look of interest. He was the man who was to help the second mate on their voyage, and he was looking forward to the day when they would set sail.

The fifth of the men was a tall, thin man with a long, straight nose and a pair of deep-set eyes. He was dressed in a simple, dark coat and trousers, and he had a serious expression on his face. He was the fourth mate of the ship, and he was looking out at the sea with a look of interest. He was the man who was to help the third mate on their voyage, and he was looking forward to the day when they would set sail.



TO THE RIGHT

HONOURABLE THE

highly honoured and much loved

George Lord Marquesse of Buckingham, &c.

all true honour and happinetie.

RIGHT HONOURABLE



S this booke in Latine was sent to his Maiestie from one vnknowne to vs : so is the English sent your Lordship from one not much knowne to you : He left it dying as a Legacy to his Maiestie, I yet aliuie send it as a liuing and lasting testimony of my loue and duty to your Lordship : and seeing the Latine was directed to his Maiestie, my hope is, his Highnes will neither hold it presumption in your Lordship, nor indiscretion in mee, that the English bee made yours. And indeed to whom should such a booke be sent that so highly concernes religion, but to the 2. high Patrons and protectors of religion, his Maiestie next vnder God, and you next vnder him and his: Accept right Honourable this *New Man* for a New-yeares giuft, your Lordship may haue many richer in shew, but few in substance. Reade it (right noble Lord) and blame me if you hold not your time and labor well bestowed. Two qualities, or rather a quantity and a quality commend it to your reading. It is short and sweete, for though it speake of filthy men,

The Epistle

and foule matters (an vnfaoury subiect) yet was it
euer welcome and well pleasing to men of vnder-
standing, to see hypocrites vnmasked, & their wicked
enemies discouered & described in their own colours
who bee your Lordships enemies but his Maiesties:
and who are his but Gods, and who Gods enemies,
and his, and yours, but the diuell, the Turke, the Pope
and the Iesuite. Now that Man of sin the Pope, and
his Throne that chaire of pestilence and his traine
and cursed court of Rome, the ancient enemy of this
Crowne and Kingdome, and Religion: were neuer
so laid out to the worlds view in so full a measure,
in so perfect colors, and in so litle a roome as in this
booke. And surely if your Lordship would hunt with
in doores this hard weather here is trim & true sport
indeede: for neuer were the Romish wolues & Foxes
so hunted by any of our wisest and most earnest
hunters as here by this *Italian*, who was therefore bet-
ter acquainted with their lurking holes and craftie
euasions: Good sport it must needs bee to see these
great blood-suckers of the Christian world ferret-
ted out so finely and so hotly pursued, and that by
one of their owne blood-hounds, who beeing well
inured to their sent, knew how to trace and follow
them by the foote: who hee was that wrote it I
know not, nor can I guesse, if it were not that famous
Doctor Marta: but your Lordship may learne this
sooner then I. Seeing vndoubtedly his Maiestie
knowes it, and as wee all good professors of true Re-
ligion haue cause to blesse God for sending his Ma-
iestie the booke, and humbly to thanke his goodnes
who made that common that was his owne, so it be-
seemes vs not to search into that his Maiestie pleaseth

Dedicatorie.

to referue as a secret: I therfore turne to my owne taske and do commend to your Lordships iudgment these points, when you haue read this booke.

First, whether all the world as well as wee haue not cause to acknowledge his Maiestie a true defender of the faith and a zealous maintainer of his Religion, who published this Booke to the wounding of popery euen at the heart, it being in his power to haue suppressed it, and yet the world could neuer haue charged him with it.

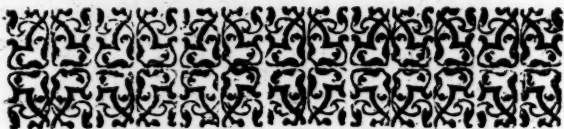
Secondly, whether thay can be sound, sincere, & faithfull Subiects, or true friends to his Maiesty, that speake, or thinke, or conceaue, or hope otherwise of him.

Thirdly, that beeing true that is in the first chapter of this booke auerred and maintayned, whether it bee not in the power of his Maiesty, and the King of Spaine, to ouerthrowe the Pope, and popery, when it shall please God they come together.

Fourthly, if this booke be true (as it appeares to be seeing all these nine yeares it was neuer disprooued) whether these bee not wilfully blinded that will still bee papists.

Noble Lord, as the world thanked his Maiesty for the booke in latine, so is it my desier your nation and all his Maiesties dominions, may thanke your Lordship for the same in english, and receiue it from your Honorable hands as a pledge of that sincere loue you beare to true Religion: wherof as I was lately a willing witnes, so shall I not spare to speake and spread it: and that God may consume in you that his holy and good worke, there neuer shall want the dayly and deuout prayers, together with the best seruice of your Lordships humble and faithfull seruant,

W. Crashaw.



To the Reader.

GOOD Reader be pleased further to obserue for thy better vnderstanding, that this booke being sent his Maiestie in or about 1611. was in 1612. published by his Maiesties direction and authoritie, and was translated in 1616 and then allowed, and had then come forth in English, but that the Copy, by what accident I know not, nor by whose meanes was purloyned, and little better then lost for diuers yeares: and though now there be another Pope yet the exceptions against the Papacy and Popshe religion are still the same: Remember this as thou readeest, and euer remember me to God in thy deuotion:

Thy Brother, desirous to be
a helper of thy faith,

W. C.



TO THE MOST
INVINCIBLE, AND WIL-
fest King, and mighty Monarch
JAMES King of Great
Brittaine, &c.



*He businesse of Reli-
gion, and the truth
(most Noble King) is
brought to that passe,
that if it finde not a
Patron & Promotor,
it will presently be in
a desperate case: for all men neglect the pub-
licke, and being wholly taken vp with their
priuate ends, neuer take to heart what becomes
of it: So it, that indeede is euery mans, is
made no mans case.*

*It is now cleere and none is ignorant of it
(who cares to know any thing) that the church
of Rome is destitute of a Pastor, and all the
world rings of the intrusion, Simony and slug-
gishnesse now rainging in Rome, and not a na-*

B

tion.

The Epistle

tion in Europe, but talks thereof, and how the Papacy is preyed vpon, consumed and deuoured. This is euident and knowne to all that are wise, and discretely obserue the carriages and courses of the world. And no lesse is seene and obserued, and euery day talkt on in the Courts, and at the Councell Tables euen of Catholike Princes: yet all hold their peace, and deeply dissemble, and honour him as Pope, that now beares the name of Bishop of Rome, though indeed and truth he be not so: Not one is found so bold and iust as to call the matter to the iudgement of lawfull Censors: No alas, that seuerer kind of Maiestrate, (a supreme Censor) is now out of vse, which makes the World, and euen the Church it selfe so farre out of frame.

Therefore in this necessity God hath stirred vp me a New Man, & an vnknowne creature, and hath so directed and inspired my Pen, as I haue truely set downe all the causes and reasons why a Generall Councell for an vniuersall reformation ought necessarily with all speede to be assembled, and hauing included them all in this present supplication, hath emboldned mee to giue notice of them to the whole

to the King.

whole World, and in the name of the omnipotent and Almighty God, to mainetaine them against all Gainersayers.

And seeing amongst all Princes professing Christian Religion, this our age findes onely you so incomparably happy (most mighty Prince) as that your Princely Minde & royall meanes are accompanied with exquisite learning in all kinds that may adorne a King. And that by your most learned Writings (the fruits of that learning) your Maieſty hath wonne the loue or at least the admiration of all Princes in the World, each one professing to honour your Maieſty with extraordinary obseruance and respect: I therefore held my labour would bee best bestowed in exhibiting this my present supplication and intimation, first of all to you (most wise and worthy King) that from you, and vnder your most renowned and glorious name it might be sent to the Emperour, and the rest of the Kings and Princes of Europe, who therefore will vndoubtedly with more applause receiue it, & with all attention & diligence read and peruse it: wherby we may hope that a holy free generall Councel shall at last be obtained (which is the supreme & foueraigne medicine for the Churches sicknes) and

The Epistle to the King.

*the Church of Rome by the meanes an^d autho-
rity of your Maiesty bee purged and reformed
Thus (happiest King) I bid your Maiestie
right heartily well to fare. At Rome the
Calends of March. 1612.*

**Your excellent Maiesties most
deuoted Seruant**

The New Man.

THE



*medicin for the Churches sickness) and
the*



THE PVBLISHERS OF
this Booke to the Reader.

FRIENDLY reader, although to him that desires and longs to run ouer a new booke with all hast possible (as most men vse to do) all stops and hinderances especially in the entrance and beginnings are most vnwelcome (in which respect I will not hold thee from this so strange a Booke with a tedious Preface (which for the most part is odious) yet hold I it well worth my labour to write, and thine to reade so much as shall shew thee certaine necessary circumstances, the vnderstanding whereof shall bee to thee as a Torch in a darke night, and giue thee such light in reading, as you shall thinke the labour well bestowed, and not blame, but thanke him, who by this short Preface of one leafe keeps thee from reading this rare and vncouth booke.

As to the Author therefore of this book which is the first and principall and most remarkeable point, that which wee would haue thee know is briefly thus much. He is not one of those whereof there are too many, who lining in remote countries and climates, yet doubt not to write to all the worlds reading, the things themselves know not at all, & for which they haue no better euidence, but the fickle report of certaine partly

The Publishers to the Readers.

ignorant, partly idle-headed Mates, who either totally deuise or at least by long carriage doe improve and enlarge all their newes and narrations. But this Author as he writes of Rome, and the things there done, so he liued in Rome, and was a member (and it seemes no meane one) euen in that gouernement and common-wealth, and in the dayly company and conuersation of all those men, and euen in the bosomes of some of them, of whom he writes these strange matters whereof we make thee partaker in this booke.

Now so it fell out, that not long agoe hee departing this life, left this booke, by him written, in the hands and keeping of a certaine speciall friend of his, whether casually, or on set purpose we know not. But he as it seemes either not knowing, or litle regarding what it contained, or at least little thinking it should euer haue bin published, made it not dainty to deliuer it to an English Gentleman, then as it fell out, soiourning and remaining in that County, whether he gaue it him or lent it, or sold it, or exchanged it, wee cannot say. But in a word, from his owne hand he had it, and from him had wee it, and so by good hap it came into such hands as knew in some measure what vse to make of it: for hauing perused it aduisedly, we soone discovered in it many matters of no little moment, and well worthy all mens knowledge, wee therefore hold it very expedient for vs, and no lesse welcome to the world to haue it published, and thereby made subiect to all mens view. And this wee haue done according to the truth of the Authors owne Coppy, written as it seemes

The Publishers to the Reader.

seemes with his owne hand, without any deceitfull alteration of words or matter. And the more willingly entertained wee this resolution; in as much as the Author himself had it in his thoughts to haue published this worke, and had desired in his owne life time, to direct and dedicate it to his excellent Maiesty of great Brittain, as appears by his owne Epistle here prefixed. Hauing therefore printed the Authors true Coppy, and that which himselfe intended to publish, and directed it to no other but him to whom the Author himselfe intended it, the world may be witnesse with vs of our faire dealing: So farre are we from giuing iust cause for any man to say that either wee haue ranfact, and robbed the Coffers and Deskes of a dead man, or that wee diuulged such things as hee desired to haue suppressed, when he cannot speake nor pleade for himselfe: (both which we confesse might worthily be held dishonest trickes.)

And thus good Reader, wee haue sayd, and now withdrawing our Pen, intend not with a tedious Preamble (a thing iustly odious) longer to detaine thee from being better acquainted with this Booke. Now therefore set to it, *reade, marke, and maruell*, and cease not till you come to the wished end, *Farewell.*

THE



The Translator to the Reader.

Here good Reader, thou hast the Tower of Romish Babel, not shaken or battered, but euen cast downe to the ground with their owne ordinance, euen the maine grounds of Popish Religion ouerthrowne by one of themselues, and that altogether vpon their owne Principles, and by their owne Lawes: Neuer had Popery so great a foyle giuen it by it selfe. It therefore grenueth mee that so rare a worke should bee kept and concealed from the eyes of my English brethren: I haue made the translation as iust to the Authors meaning as I could. And if I haue any time added any words for explanation, I haue marked it thus " in the margeant. Farewell Christian Reader, and still pray for the full reuelation and confusion of Antichrist, for his time hastens on.

THE

A Table of secrets discovered, and points handled in this Booke.

CHAP. I.

Exceptions against Sixtus 5. and his successors.

1 **T**Here is not, nor hath beene any true Pope in the Romane Church since the death of *Gregory* the 13. that is for these 30. yeeres and more.

2 *Sixtus Quintus* did clime into the Papacy by foule Symony, proued by promise and couenant vnder his hand.

3 By the Canon Law he that enters by Symony is no Pope.

4 *Sixtus* his Symony was notorious, for it was complained on to *Philip* the second, King of *Spaine*, who thereupon, and seeing *Sixtus* simoniacall couenant vnder his hand, sent to Rome, and summoned him to a Councell, to answer for himselfe.

5 *Sixtus* so summoned, fell sicke and dyed, or else tooke poyson.

6 The Spanish King did the Pope no wrong in thus doing.

7 The Cardinals made by *Sixtus* were no Cardinals.

8 The Popes insuing were all chosen by those Cardinals, and consequently were no Popes. Because

9 By the Canon Law none but Cardinals can ehuse the Pope.

10 The like Cardinals chosen by the like Popes to *Sixtus*, or not so ill, were iudged no Cardinals by former presidents.

11 That it helps them not in the law, that in common reputation they were held and taken for Cardinals.

12 The better sort of them in Rome knew all this, and spake of it in secret.

13 Question made in *Spaine* whether *Clement* the 8. was true Pope, and bookes written that he was not.

14 *Clement* the 8. his Election void for that another was canonically and lawfully chosen before him.

15 How foulely and corruptly matters are carried in the Conclau.

16 It is prooued out of the Canon Law that the Election of
Cardinall *Sanseueria*, who was chosen before *Clement*, was good
in law. 17

17 How *John* the 23. getting all the Cardinals to referre the
election to him alone, chose himselfe Pope. 20

18 *Clement* ought by the Law much rather to haue beene put
out of the Papacy then *John* the 23. 20

19 *Clement* the 8. no lawfull Pope in 2. respects. 21

20 *Paul* the 5. no lawfull Pope, for that another was lawfully
and canonically elected before him. 21

21 How Cardinall *Baronius* disturbed that election. 22

22 What obscene and filthy talkers the Cardinals be. 22

23 Matters done secretly in the Conclauē, are so kept for a
time, but at last are knowne abroad, and that by 2. meanes.

1. By the Cardinals themselues, telling their priuate friends
and favorites.

2 By their seruants who write all things, and after for mony
giue out Copies. 23

CHAP. 2.

Of the present Popes Symonies.

24 P^Roofes that the Pope is no Lord of all the W^{OR}ld, and
may be guilty of Symony. 24

25 How the Councell of *Basil* depriued *Eugenius* the 4. partly
for that crime, and the Councels decree against him heere set
downe. 26

26 The horrible and vnheard of Symonies of *Paul* the present
Pope. 26

27 A strange tricke of the now Pope how to sell all his liuings
at a horrible rate. 27

28 All liuings whereof he is or can be made capable, hee giues
to his Nephew (or sonne) Cardinall *Borghesi*: such as hee cannot
haue are sold, as afore, to his benefit. 27

29 How

29 How the present Pope deludes the Councell of Trent, and by shifts seekes starting holes, thereby to practise the Symonies that are by the Councell forbidden. 28

30 With what huge and monstrous pensions, to some of his Minions, the Pope chargeth euery good liuing in Italy. 29

31 He hath bought as much land for young *Borghesi* as cost him fixeene hundred thousand *Scutes*. 29

32 He hath built him a Palace bearing his name, that cost him three hundred thousand. 29

33 He hath enriched him with moucables worth 600000. 29

*Thus hee hath bestowed of one Nephew fine and twenty hundred thousand *Scutes*; and all gotten out of Church linings.* 28

34 The *Borghesies*, that is the present Popes Kindred, were but poore, and many of them Bankerouts when this man was made Pope, and now one Nephew of his is worth millions. 30

35 The Author names the secret Registers, where true notice of all these forenamed particulars may be had. 30

36 He shewes that many Spaniards are able to proue this if they be called to it. 31

37 That against a Symoniacall Pope, a generall Conncell ought to be called, as against an Heretike. 31

38 The Symony and other irreligiousnesse in the Pope, kils all deuotion, and extinguisbeth godlinesse in the Laity. 32

CHAP. 3.

Of other enormous practises of the present Pope.

39 **T**HAT when a Pope by his notorious crimes scandalizeth the Church, a Councell is to be called against him. 32

40 That when the chiefe members of the Church are scandalized, though of the Laity, the whole Church is truly said to be scandalized. 33

Secrets discovered, and

- 41 A Councell hath power to correct and order the Pope, and if neede be to depose him. 34
- 42 The State of Venice made a Law that the Clergy should haue no more temporall Land, and should restore some of that they had. 34
- 43 They call Clergy men to their temporall Courts. 35
- 44 They professe they haue power ouer the Clergy also. 35
- 45 They lay them in prison if their faults require it. 35
- 46 They command them to absolue Penitents, and in some cases to discouer some confessions. 35
- 47 They restrain the power of the Popes ecclesiastical courts. 35
- 48 They professe they haue this power in all their Dominions, and that immediatly from God. 35
- 49 This Pope interdicted them, and called in the King of Spain to helpe against them, but soone after durst not stand to it, but was faine to absolue them, and pay their charges. 36
- 50 They of *Millaine* and *Florence* cause their Clergy to pay to publike workes. 36
- 51 They admiue no Bull nor Breue from Rome, vnlesse first examined and allowed by their owne authority. 36
- 52 Those of *Lucca* beat away their Bishop, and had hanged his Vicar general, if he had not fled for standing for the Pope against their Priuiledges. 36
- 53 They made their Clergy aske forgiuenes of the Senate. 36
- 54 In Italy few feare or care for the Popes Excommunication, no not the great Thunderbolt of *Bulla Cens.* 36
- 55 The vice Roy of *Naples* committed certaine of the Popes owne Clergy to temporall Prisons. 36
- 56 He threatned the Popes Nuntio to throw him out at the Window, if he did not presently auoid when he came to petition for their deliuerance. 36
- 57 If Malefactors take sanctuary euen in Churches, hee will draw them out to execution. 37
- 58 The Ecclesiastical Courts haue little businesse and lesse power in Italy. 37
- 59 This

Points handled in this Booke.

59 This Pope will heare of nothing that may grieue him. 37
60 When Packets come from any Nation, or any Nuntio, Cardinall *Borghesi* first opens them and lets him know what he thinks will not offend him, but no more. 37

By these eightheene Articles last past, let the wise Reader obserue how the Popes Power, decayes in Italy.

61 The Pope for his sluggishnes and neglect of the Church, ought to be reformed or deposed by a Councell. 38

62 *Sixtus* the 5. besides his expences, debts payd, and great workes done, layd vp yeerely ten hundred thousand Scutes. 39

63 The monthly expences of the Popes Palace haue vsually bin 50000. Scutes. 39

64 But such is the base couetousnesse of this *Paul* to enrich his Kindred, that he hath brought it downe to 5000. 39

65 The Emperour and Christian Princes may and ought to call the Popes to account what is done with the Treasure of the Church. 39

66 This Pope giues leaue to Bishops to morgage the profits of their Bishopricks for many yeeres together. 40

67 And when his favorites haue so morgaged them, hee giues them others, and they leaue those to others who haue the titles without reuenue. 40

68 He gaue leaue to Cardinall *Montalto* to morgage the reuenues of three Abbies, a thing so monstrous as it was neuer done in the worst times before. 41

69 Hee punisheth no crimes of his Clergy nor Cardinalls though neuer so foule. 41

70 By so doing hee makes himselfe subiect to be cald in question by a Councell, 41

71 He suffers 2. Cardinals to lye continuall with their owne brothers wiues. 42

72 And one to practise Sodomy, and to keepe boyes for his abominable buggery. 42

37 A Cardinall now in the Roman Church, such a shamelesse

mite that scarce any yong Gentleman dare serue him or come neere him. 42

74 Hee made two boyes that way abused , to bee burnt in the backe , but sayd nothing to the Agents or Doers who abused them in that abominable kinde , which by the Law are farre the greater. 42

75 No iustice practised in this Court against any fault that hurts not himselfe, nor hinders his profite. 42

76 He neuer called in question her that poysoned his brother, because his Nephew *Borghesi* had his hand in it. 42

77 The Author proues that by these his courtesies and conuiuen-ces he ought to answer before a Councell. 43

78 The Pope is not owner of the riches, nor Lord of all the li- uings in the world, but onely the Steward. 44

79 And therefore he may not giue them to his carnall Kindred, nor otherwise at his pleasure. 44

80 All liuings without cure hee giues to his Nephew *Borghesi*. 44

81 None gets any liuings in the Popes gift , but from or by yong *Borghesi*. 45

82 Cardinall *Borghesi* hath 250000. Scutes a yeere of Church liuings. anno 1612. 45

83 To other Cardinals he giues few liuings, and those little, if any great, he loades them with a good pension to *Borghesi*. 45

84 Hee lets him take great Bishopricks, and when greater fall to resigne the former, reseruing the greater part to him- selfe. 45

85 Most of the Cardinals in the Court are but factors , or fa- vorites to Cardinall *Borghesi*. 45

86 It is a rule with this Pope, and one of his pollices to keepe all the Cardinals he makes, rather poore then rich. 45

87 No liuing nor worthy reward is giuen in Rome to lear- ning or learned men, but all for by respects. 46

88 The shamefull ignorance and illiterature of such as are or- dinary preachers at Rome. 46

89 The Author proueth that for these causes also he hath made himselfe subiect to a generall Councell. 47

90 There ought to be but 24. Cardinals in the Roman Church by the decree of the Councell of *Basil*. 48

91 And those ought to be taken out of all Nations, and of the learnedest, wisest, and worthiest men. 48

92 If vnworthy men be made Cardinals, the Church is wronged, and it is cause sufficient to call a Councell. 48

93 If the Pope when neede is, refuseth to call a Councell, hee is therefore to be suspected in his Religion. 49

94 This Pope makes Cardinals of most base and vnworthy men. 49

As 1. Such as haue no learning.

2. Such as haue no wisdom, nor care of the publike.

3. Such as be poore and will be content with any thing.

4. Young men for the most part.

5. And all these must come in by *Borghesi*: that hereby hee may haue him Pope after himselfe. 50

95 Instance in many particulars, what base vnworthy, vnlearned Cardinals this Pope hath made 50

96 He makes Cardinals of Organists and Sollicitors: and one whose father or place of birth are not knowne, reade it and marke it well. 51

97 The notable plots of this Pope to make his Nephew (or his Bastard) *Borghesi*, Pope after himselfe. 52

C'HAP. 4.

How a Councell is now to be called.

98 **V**Hen the Pope and Cardinals be questioned it belongs not to them but to the Emperour to call a Councell. 54

99 The Emperour is to see that the Pope hurt not the Church nor Christian faith. 55

100 He is a great part of the whole Councell, and hath power to be there in his owne right. 56

101 That

101 That in ancient times the calling of Councels belonged onely to the Emperour. 57

102 A Councell may be a lawfull Councell without the Pope or his authority. 58

103 A generall Councell hath his authority immediatly from Christ. 58

104 A generall Councell is of force enough though it be neither called nor confirmed by the Pope. 59

THE





THE NEVV

M A N.

By the helpe of the holy Ghost.

CHAP. I.

*Of the first cause of calling a generall Councell, for
that since Gregory the thirteenth there hath bin
no true Pope: but all that haue succeeded him haue
bin meere intruders into the Papacy.*

IF euer the state of the vniuerfall Church was in perturbation, or euer needed commiseration, then certainly it is in these our daies in a most deplorable case: for now the Church wants a true Pastor. Intruders, *no better then either wolues or Theeues*, breake in and make a prey of the Pall place and dignity, and the Prelates with all the Clergy, set their hearts, and all their care on their owne profit and their priuate ends, further they looke not, further they care not, Religion and the common cause is no more at all by them regarded then it serues their owne turne.

2 For who of them can bee so ignorant, yea or once make doubt that *Sixtus Quintus* was chosen Pope vnlawfully, and entred by foule Simony. And if he be, then let them know from me

C

(which

Aloisius Car-
dinalis Esten-
sis.

“ (which I speake not to informe them that know
 “ it well enough already, if they list to acknow-
 “ ledge it, but to let all the Christian world know
 “ that which millions of me neuer mistrasted) that
 when *Gregory* was deceased and the Cardinalls
 assembled in the *Conclau* for the election of a
 new Pope, he being then the Cardinall of *Mon-*
talto, that himselfe might be chosen, plainly bought
 of *Aloisius* the great Cardinall of *Aste* his voyce,
 & the voyces of all the Cardinals depending of
 him, which were knowne to bee farre the greater
 number, and able to carry it with whomsoever
 they went. And in consideration thereof he pro-
 mised him not in a word alone, but open writing,
 subscribed and ratified vnder his owne hand, that
 whereas there was a principall Prelate, one *Hie-*
ronimus Mathæus whose possibilitie was great to
 be a Cardinall, but was then at no little oddes
 with Cardinall *Aloisius: Sixtus*, I say, solemnely
 promised him that during his raigne hee would
 neuer make him Cardinall, if hee by his owne
 voyce and his complices would make him Pope.
 Cardinall *Aloisius* accepted of the condition, &
 so the bargaine was concluded, and according-
 ly he gaue him his voyce, & got all his party and
 faction to doe the like, and so *Sixtus* carryed it
 from all competitors and was chosen Pope,
 which was so openly knowne that *Aloisius* neuer
 made bones in a publicke presence to say that
Pope Sixtus was his creature, and the worke of his
owne hands.

3 This being true, as alas it is altogether un-
 deniable, all that are leene in the lawes cannot
 but know it is the very case in the Bull or Decree
 of

of Pope *Iulius* the second, by him set out against Symoniacall elections of the Pope, which yet is in fresh memory, and hath been obserued with great respect, till these shamelesse times of late. Inasmuch as all the Cardinals at their very entrance into the Conclaue must first of all, by solemne oath, sweare that they will seriously and faithfully take vpon them the precise obseruation of the sayd Bull. And for satisfaction to the world, how horribly *Sixtus Quintus* transgressed in this point, it shall not bee amisse to set downe the very words of the Constitution it selfe, as much as concernes the matter in question.

The Bull of Pope Iulius the second touching the election of the Popes, and against Symony in the said Elections.

If it shall hereafter fall out through the diuels malice the enemy of mankinde, or the ambition or coueteousnesse of the chuser, that when we or any our successours shall by Gods appointment be remoued from the gouernment of the Church or earth: the election of the new Pope bee made and done, either by him that is so chosen, or by any other, or more of the Colledge of Cardinals by the heresie of Symoniacall compact giuing, promising, or receiuing any goods of any kinde, or Lands, or Castles, or Offices, or Benefices, or by making of any other promise or obligation of what kind soeuer; whether they doe it by themselves or by any other, by a few or by many: and whether that election bee accomplished by the voyces of two parts of the Cardinals diuided in three, or by the vniforme consent and voyces of them all, whether it bee done by way of assump-

tion or adoration, yea though there be no Scripture made at all.

we determine, define, and declare,

That not onely the election or assumption so made shall be from that very moment voyde and of none effect. And no power or faculty shall accrew thereby to him so thrust in, of any administration, gouernment, or iurisdiction in matters spirituall or temporall. But also that it shall and may bee lawfull to any Cardinall present at the same election, to except against the sayd Intruder, and to call him into question for the crime of Simony as of a true and vndoubted heresie, that so being an hereticke hee may be of all men accounted and held as no Pope nor Bishop of Rome, &c. Neither shall such Simoniacall election be any time afterwards made good, by any subsequent inthronization, coronation, nor by any adoration made, or obedience and homage done or sworne to him by the Cardinals; nor not though it be done by the whole Colledge, nor by any action that may or can be done, nor by any continuance or course of time. But it shall and may be lawfull to all and euery Cardinall, yea euen to those that were present and consenting to the sayd Simoniacall election or assumption, not onely before, but enen after any such inthronization, Coronation, adoration, homage, or obedience done. And not to them alone, but to the whole clergy and people of Rome, and to all the subiects of the Roman Church: and to all the Lords, Gouvernours, Captaines & Commanders as well of the City and Palace of S. Angell within the City, as of all other Castles, Towers, and Fortresses;

treffes; and to all other Ministers and Officers whatsoeuer to refuse to yeeld him any Honour, Homage or Obedience, and to reuolt from him so chosen and inthronized, & from all obedience to him, and that safely and lawfully they may hold esteeme, and eschew him and all fellowship with him, as a Magitian, an Ethnick, a Publican, and an arch-Hereticke. And further, wee determine that by the authority hereof it shall, & may be lawfull to the Cardinals, each those that were present at the Simoniacall Election and consented not therunto, & to those that shall afterwards discent and depart from him to appoint forthwith a generall Councell; and to call and summon the same in such conuenient place as to themselves shall seeme expedient, &c.

Thus farre the words of the Popes decre.

4 Now if it be objected that this decree binds not but where the fact is famous, euident and notorious, and this Simoniacall election of *Sixtus*, if any such were, was carried in secret, and suppressed silence: It is answered, that contrariwise this fact of *Sixtus* his Simoniacall election, was made publike and notorious; for marke what followed *Sixtus* after his election violated his faith, & broke his promise made to the Cardinal of *Aste*, & contrary thereto made *Hieronimus Mathaeus* Cardinall, which the Cardinall of *Aste* tooke so to heart, that for very anger and griefe at the Popes treacherous vnfaithfulnesse, and his enemies aduancement hee fell deadly sicke, but before hee dyed, to recompence the new and ill made Pope as he had deserued, he sent the agreement and covenant he had of *Sixtus* to the Catholicke King,

Philip the second, euen the very originall it selfe signed with *Sixtus* his own hands, who hereupon in the yeere 1589. sent the Duke of *Suesse* to Rome as his Orator and Ambassador extraordinary to giue *Sixtus* notice hereof, and to intimate to him to the present necessity of a generall Councell, for the declaration of his election to be Simoniacall, and to require the Lords, the Cardinals, such as were created by his Predecessors, and to other the Prelates, and Clergy to whom it belongs to appeare in the sayd Councell, to be holden in *Spaine* at the city of *Sinill* in *Andalusia*.

5 Now howsoeuer this businesse thus began could not proceede to full effect, for that *Sixtus* vpon this intimation made to him, knowing he should bee condemned by his owne hand, for
 cc plaine feare and desperation fell sicke and dyed (hauing onely that way left by dying to preuent deprining) yet by this beginning, his Simoniacall Couenant, and Election hereupon ensuing, was called into question, or as the Lawyers say drawn into iudgement and made notorious. And admit the King of *Spaine* did more then hee ought in giuing him this intimation, and calling a Councell yet helps it not: for a fact is sayd to bee made publike and notorious if once it be drawne into Iudgement, though the beginning of the proccess or proceeding therein be so farre vnlawfull, as that it be a nullitie in law, for it suffiseth this purpose if it be called into publike question, whether directly or indirectly, whether by a lawfull or vnlawfull Iudge it matters not.

6 But as this case stands it is worse on *Sixtus* his

his side, for we are to know the Catholicke King did herein no more but right, for by the expresse law diuine, al Catholikes may lawfully rise against an Hereticall Pope, and that law of God is related in the body of the Canon Law. And in the case of Simoniacall election, that secular Princes haue power to call a Councell, it is the plain text of *Isidore* that ancient father, which also is related in the Canon Law, and there the Glosse writes the very speciall and particular case of Simony. And that the power of calling a Councell when the Cardinals refuse or neglect so to do, is immediately, directly and lawfully deuolued vpon the secular Princes, is a case so plain and common amongst the learned, that he must needs be a stranger to the Law that knows it not: *Cataldus* proues it plaine, so doth *Petrus de Monte*, and *Cardinall Iacobatus* in his Treatise of Councels. Many more Authors might bee alledged to the same purpose, but the credit of these is such as these shall suffice, and in those it is not barely or by the way affirmed, but the case is argued and resolved.

To proceede therefore, *Sixtus* by the vertue of the foresayd constitution, which is inserted into the body of the Canon Law, being a Magician, an Ethnicke, an arch-Hereticke, could not therefore nor had any power in him to create Cardinals, for as much as hee was *ipso facto*, de spoiled and de priued of all iurisdiction, power and faculty spirituall and temporall, and all vse and exercise of any such iurisdiction spirituall or temporall, is by the law so farre forbidden him, that all and euery act and fact by him done in that kinde, are absolute nullities as done by him that

In C. Si audi-
eris. 23. q. 5.
Isidorus de
summo bono
li. 3. relatus in
cap.
Principes se-
culi 22. q. 5. &
ibi gloss. in
verbo intra
ecclesiam.
Cataldus de
bon. com. pag.
in tract. de po-
testate papæ
anno. 63. Pe-
trus de Monte
in sua Moni-
chia concilio-
rum cap. de ge-
neralis concii-
lij celebratio-
ne per totum.
Card. Iaco. in
tract. concilio-
rum, lib. 3 art.
1.

In s. liceat in
fine.

that hath no power at all to do them.

8 Now from this ground thus layd, it followeth by infallible inference that all the Popes since *Sixtus* the fifth were intruders, and not one of them a true Pope: for after his death (harken you Christian Princes, who living farre from Rome doe little know how matters are carried there, and know the truth which none can tell you, but one that liued there and saw it with his owne eyes) after the death of *Sixtus* the fifth, Cardinall *Montalto* his Nephew entering the Conclauē with forty voyces in his faction, by the strength wherof was elected *Urbanus* the seuenth, who living but a few dayes, by the same meanes was chosen *Gregory* the fourteenth into his place, who continued but ten monthes; after whom by the same voyces entred *Innocentius* the eleuenth, who held the Papacy but 2. moneths (as though God by the death of foure Popes in one yeare would let the Colledge of Cardinals and Clergy of Rome, and the whole Christian world see and know that something went wrong in the Church, and that in a high degree, but our happinesse was not such to haue it discovered.) (You that were farre off could not know the truth, and we that were present had not our eyes open to behold it, some blinded with one carnall affection, some with another.) All these thus dead, at last was chosen *Clement* the eight, by the same voyces, who by the iudgement and permission of God continued this intrusion and vsurpation 13. yeeres. Now that none of these was nor could be true Pope; I thus demonstrate.

This was Sixtus his nephew or son, whom he made Cardinall being Boy.

9 Vnto the election of all these concurred the

the voyces of those Cardinals that were created by Sixtus the fifth, for although *Montalto* his Nephew had not full so many voyces on his side, and in his dispose as by whom he might *inclusively* conclude an election, yet may wee say that *exclusively* he made and carried the election; seeing he had so great a part, that without them no election could possibly be made, nor consequently any but by him: for that exclusive part which he had being the greater, must of necessity draw vnto it the rest of the Electors who being made before were true Cardinals, and had true & good voyces, but were fewer in number, and so the whole power of election seemed to consist in his will, and the whole number of Electors may bee sayd to bee at his dispose: whereupon it followeth inuitably that all those elections do to tally fall away, & are plaine nullities, for further prooffe wherof let your Maiesty and all the christian world be pleased to obserue that by the constitution of *Pius* the 4. touching the reformation of the conclave in the election of Popes, the power of chusing, the Pope is granted onely to the Colledge of Cardinalls: And howsoeuer in the end of the said constitution, he enable them to giue voyces, though all or any of them should be excommunicated; so as no exception shall euer be admitted against any such election, for that any at all of the electors by whose voice it is carried, did then lie vnder the censure of excommunication. Yet bee you assured of this, that hee presupposeth they shall bee true and lawfull Cardinalls, and not mere shadows and inconsidering that Cardinalls as such shall bee

who were created by him that had no place nor power to make them. But the Cardinals who made all those elections, were such, being made as afore is shewed by *Sixtus* the fifth, who was no lawfull Pope, and therefore were no Cardinals indeede and truth, and consequently the elections by them made, were no elections but absolute nullities in the law to all intents and purposes: for there is great difference betwixt true Cardinals excommunicated, and no Cardinals, & the constitution before named enables Cardinals excommunicated, to giue voyces, and to make lawfull elections, but it doth not, nor can, not enable them that are no Cardinals at all.

10 Now that such titular Cardinals as were created by him that is no true Pope, are no true Cardinals, and consequently can giue no voyce, nor make any lawfull or good election, appeares evidently enough by the continuall presidents of former times in the *Romane Church* for when *Gregory* the 12th who was in deed a true and lawfull Pope, had renounced the Popedom in the *council of Constance*, for pacifying the Schisme, & settling the peace of the Church, & afterward repenting by ill advice, what he had done, reuoked his resignation, would be Pope still, and accordingly created diuers Cardinals: It was then concluded & resolved by the whole Church after great deliberation, that he could make none, so that all so by him created were no Cardinals, and so were held iudged, and reputed (as appeares in the publicke words of the said Council) & the reason is giuen for that they were created by him who then was no Pope, and consequently had no power in him.

to create Cardinals. And in like case he that was called during the same Schisme. *Benedict* the 13. sitting at *Avinion*, created diuers Cardinals; but forasmuch as he was iudged no true Pope but an Antipope, & an Vsurper, therefore al by him created were no Cardinals, & so were held & reputed to their dying day. And to conclude, when after the death of *Alexander* the 5. He that was called *John* the 23. in the time of that long and miserable Schisme, intruded himselfe vnlawfully into the Papacy at *Banonia* where hee then was Legate, and so being Pope, created diuers Cardinals, they were all reputed, and iudged to bee no Cardinals in the *Councell of Constance*, and a new and true Pope was then chosen, namely, *Martin* the fifth, not by the sayde Cardinals, (because they had no power) but by the whole Councell: from all which and more that might bee produced of the like nature, it evidently followeth that the cardinals so called, created by *Sixtus* the 5. being no true Pope are no Cardinals & consequently cannot make election of a Pope, and therefore all so chosen were no Popes, but meere Intruders, Idols and Vsurpers.

11 And if it be objected that those Cardinals so made by *Sixtus* the fifth, were after his death publicly held and reputed true Cardinals by common estimation, and therefore their acts and doings cannot, nor may not, by the rule of the ciuill Law be called in question. By force of which rule the Lawyers proue that publike deeds which concerne the generall good done by them that had no lawfull power are to bee tollerated, and not to be further questioned: It will do no good

Per regulam l.
Barbarius F. de
officio: pectoris
communis
error facit: lus.

in this case, for that rule of the Law was made touching matters temporall, but it holds not in matters Ecclesiasticall, wherein no error may be admitted to take place, though neuer so comon & vniuersall. Be it neuer so common & vniuersally receiued, yet can it not therfore in matters spirituall make good the facts of any persons, doing that which by the law he was not enabled to doe, as appeares by the glosse in the Canon law, which also produceth diuers great Doctours for the same. Nay contrariwise in matters spirituall, the truth preuailes ouer any opinion though neuer so common, as also appeares in the same glosse, agreeable to which glosse the great Doctours of the Canon law, *Archidiaconus*, *Geminianus*, *Francus*, *Ambrosianus*, & others do teach with one consent: And one other of them being consulted in a case that reacheth home to this point, gaue this resolutiō, that one admitted into holy orders by one that in common estimation was held a Bishop, but indeed was none, was thereby not made vnfit to contract Matrimony, and therefore that the marriage contracted by such a one, was not to be dissolved, for that hee was not in holy Orders although he that ordained him was holden of all men to be a Bishop. And the very same opinion is holden in the Glosse, where it is said, that in matters spirituall, wee must stand to the truth, not to presumption or common opinion, yea though that opinion were raised vpon a sentence or iudgement. And of the same mind is *Innocentius* himselfe a Pope and a great Lawyer, and *Baldus* and *Barbarius* who teacheth expressly and fully to this poynt, that the facts done by

one

Gloss in cōm-
co. in ver. ap-
probatis devo-
to l. 6. que alle-
gat Iacredū
& Bar. Brixi-
ensem in suis
questionibus.
Archiae. super
verbis suscep-
tionis. Io.
And. Gemin-
ianus Philip
Franchus &
Ancharau
bidem.
Federicus de
senis, concil.
39.

Gloss in §. his
ita responde-
tur. l. 45. q. 9. in
fine Gloss.

one that is a secret Simonist (that is guilty of Simony indeed, but not knowne nor held to be so) are of force and validitie if they bee temporall, but not so if spirituall, because saith he. *no man gives to another what he hath not himselfe.* He therefore being by his Simony, himselfe out of the Church, cannot haue or exercise any iurisdiction in the Church. Whereupon it followeth that much lesse can they that are not true Cardinals haue any voyces in the Popes election, being a matter spirituall, and that of so high and excellent a degree.

Innocent. in c. init. col. 2. de electione.

Baldus in l. 2. in princip. c. de sentent. & in repet. d. l. Barbarum col. 2.

12 Moreouer, admitting the foresayd rule in the very words of it, yet to make it a *common Error* there is also required the probable and likely ignorance of the world, for if there be suspicion or likelihood that they know, or may know the contrary, then is not properly a common or vniuersall error. For error must presuppose ignorance which is the mother of error: and so do all interpreters vpon that place, take and expound it. But for this case of *sius*, the people of Rome were so farre from being probably ignorant, that rather they certainly were perswaded of the truth: for who can be said to be probable ignorant any who could not but well enough know that *sius* could not create a Cardinall, when the *Catholike King* published, and as it were proclaymed in Rome that a generall Councell was to be called against him, as an intruder into the Papacy, and sent a great person his publicke Embassadour to the whole Court of Rome for that purpose, and the matter was debated more or lesse in euery Congregation, Consistory, and Court

of Iustice. Now when the people and subiects of the Pope haue not a suspition onely, but such particular knowledge that he was no true Pope, then it is a cleare case that all his deeds and actions spirituall are of no force nor efficacy, nor onely in the law and in the exterior Court, but not so much as in the Court of Conscience, nor in matters meerly of the soule, as a famous *French Lawyer*, in his decisions proueth at large. And if it be sayd that the people of Rome talked not openly, nor seemed to take notice of any such matter: the answer is easie, that the question is not what they talked of, but what they knew, & wise men know many things they speake not of, and the reason is ready, for thought is free, but so is not speech, the truth whereof was well seene in Rome, for you may bee sure they that knew so much would be free enough to thinke, & (it may be) spared not to speake also in secret, but no maruell if no man openly talked of it, when it concerned no lesse then his life, for he had beene sure to be found guilty of high treason, who had but once toucht on this string. But that this silence proceeded not of ignorance, but from feare, appeares in that when afterward *Clement* the 8. being made by those Cardinals whom *Sixtus* the 5. created, did reconcile and absolue *Henry* then the king of *Nauarre*, that so being discharged of the excommunication, hee might bee capable of the kingdome of *France*, there were not a few in *Spain* where they are not the Popes subiects (and therefore dare speake the truth of him without feare of treason) who openly vnder-tooke the defence of this conclusion, that *Clement*

Note this well

ment was not lawfully elected Pope: yea and wrote large volumes to proue that he had no power, so to absolue and discharge that King of *Nauarre*, because he that is not true Pope but intrudes himselfe into the Papacy hath not the power of binding and loosing, euen as a sentence is sayd by the law not to binde, that is giuen by him that is not the Iudge.

Ordinario
mis. q. q. 1. de
Rhythmatis,

13 And as for the election of Pope *Clement* it is voyde also in another respect, and an absolute nullitie, for two parts of the Cardinals concurred with one consent vpon another, namely *Cardinall San-seuerine*: for they called him by name, they tooke and led him to the Chappell of *Saint Paul*, the place where they performe their ceremony of adoration to the new elect Pope: here they make him sit in the Popes chaire of estate, and by publike scrutiny they proclaime him Pope: and that this makes a full and legall election of a Pope, the text of the law expressely teacheth in these words,

C. licet de vlt
tand a de elec
tione,

He who shall be elected and receined by two parts of the Cardinals, with vni forme consent, let him be held and receined of the whole and vniuersal Church as true Pope, without all question or contradiction.

But the *Cardinall San-seuerine* was chosen by two parts of the Cardinals with full consent and by them conducted and placed in the Popes seate: therefore he was lawfully chosen Pope, & so ought to haue bene accepted and taken of the whole Church. How then came it to passe hee was not so? Let your Maiestie be pleased to heare with patience and I will discouer vnto you how

how crookedly and corruptly matters are carry-
 ed in the Conclauē in these euill dayes. When
 this was done, and whilst the rest of the Cardi-
 nals that were without were expected (for
 such is the coustome, that when two partes haue
 made election, the third part which consented
 not, but could not hinder are expected to come
 in to the place, where the new elect is adored by
 the two parts that chose him, and from whence
 the election is to be published, that so all being
 together, the election may bee sayd to bee made
 by all, without contradiction of any man.) Now
 whilst the third part were expected to come in,
 there came into the chappell Cardinall *Gesualdus*
 and *Sfortia*, the former wherof was Deane of
 the Colledge of Cardinals, and by a crafty and
 wicked deuice disturbed the election in truth &
 in law already made: and thus it was; Cardinall
Gesualdus cryes alowd; My Lords, let vs number
 the voyces, to see if two full parts haue consen-
 ted; whereupon he began to count, not hasting
 to make an end, but leasurely proceeding with
 intermissions and delayes, which he did purpose-
 ly, and to a crafty ende, that Cardinall *Sfortia*
 might also haue time to play his part, which hee
 did not fayle to do; for in that meane time he had
 got two of the Cardinals out of the Chappell
 who had giuen their voyces, and carryed them
 with him into another place called *Sala Regia*; &
 leauing them there, he returned to the rest, and
 largely layes open to them the rigour and seueri-
 tie of *San-seuerina*, for indeede they feared his ius-
 tice, as many of them no doubt had good cause,
 he being an vpright and iust man, and too good
 it

it seemes to be Pope ouer a number of such unworthy Cardinals, as most of them euen there shewed themselues. For herupon the greater part of the most perfidiously got them out of the chappell, and assembling together with the rest, made a new election of the Cardinall *Aldobrandine*, who was called *Clement* the eight. And this is the truth of that businesse.

14 Now that the former election of Cardinall *San-seuerine* was good and effectuell in law, it is a cleare case for the voyces that chose him were for number complete and sufficient when they pronounced him for Pope, and set him in the chayre. And as for the ceremonious solemnitie vsed in the elections, that all the Cardinals sitting in their order together with him that is to be chosen, euery one in order shall say: *If such a one chose such a one to bee Pope*: and that the Secretary of the *Conclau*e shall take the scrutiny, and write downe euery mans voyce, it is not an essentiall part of the election, or necessarily and essentially required to make an election: for the expresse words of the text, do declare, define and peremptorily pronounce him to bee Pope and head of the vniuersall church, instantly and as soone as he is chosen and receiued by two parts of the Cardinals: and he is then by the law sayd to be receiued or accepted of the Cardinals, when they take him and conuay him to the chappell aforesaid and make him sit downe in the Popes seate, and he is sayd to be chosen or elected, when the sayd two parts declare their consent and agreement vpon him to be Pope. Now all these concurred in & vpon the cardinall *San-seuerina*, &

Text. d. c. licet
de vitanda.

Abb. in d. c. li-
cet de vitanda
nu. 13. ver. sed
si est factum
per &c. de e-
lect. Bulla Iulij
2. § ver. etiam
per.

when the election is thus done by publike and open denuntiation and assumption, there need no scrutiners to take the voyces as is cleere by the law. And this is one way of chusing the Pope, & is called the way of Assumption, wherof also mention is made in the foresayd Bull of *Iulius* the second. And by this way which is as sufficient and effectuell in law as the other, was Cardinall *San-senerine* chosen and wanted nothing, required by law to the essence of a true election, but onely some formality, which by the law is not necessary. Nor is it materiall to say he wanted inthronization or adoration, or kissing of his foote, for all these are but effects and consequences of a true election, but not essentiall to the election; & are appointed to be done to him that is elected, but do not helpe forward his election, and the election is properly held done and perfected before they bee performed, as any man may see in the aforesayd Bull of *Iulius* the second. Neither is the calling together of all the Cardinals necessarily required for it is expressly commanded in no law, and as for the text of the canon law, called *Licet de vitanda*, it shewes the validity of the election, as is soundly proued by Cardinall *Incobinus*, who shewes that at least a Councell is to be called to declare whether the election bee good or no, and that they may not proceed to the election of another. The election therefore thus made of *Clement* is to bee held a nullitie as being done by deccit and fraude, according to the expresse text of the law layd downe in these words:

But if any shall be elected, or daigned, or inthronized Pope through sedition, presumption, or any inge-ny

Textus in d. c.
licet de vitanda
Jacobus. Card.
in d. tract. de
concill. part. 3.
art. 4. nu. 154.
& seq.
In e in nomi-
ne domini.
c. 23.

ny or tricke of wit, contrary to this our sentence and Synodicall decree pronounced in open councell: By the authoritie of God and his holy Apostles Peter and Paul, we pronounce him subiect to the great curse, and separated by perpetuall Anathema from all Societie with Gods Church together with all his authors, factors, and abettors as an Antichrist, an intruder, and a destroyer of the Christian religion, &c.

And after Cardinall Hosiensis the great Doctor called the Abbot in his Commentaries on the text, expound the word Ingeny to be craft, collusion and deceit, and such like was the election of *John* the two and twentyeth, that was after condemned in the Councell of Basil: for when after the death of *Alexander* the fifth, the Cardinals assembled at *Bononia*, and consulted about the choyse of a new: Cardinall *Cossa* who then was Legate there, a man potent and warlicke, obtained of the Electors by his greatnesse that they would commit the whole power of the election to him, which they had no sooner granted him, but he forthwith elected himselfe: and the Archbishop of *Florence*, *Antoninus* goes about to proue out of the aforesayd chapter, that the election was good. But for asmuch as vpon examination of the matter in publike Councell, it was found to be compassed by fraud, and deceitfull trickes, he was therefore deprived by the Councell. Now this ought much more to bee in his case, namely that *Clement* bought to haue beene deprived, because here another was truly, lawfully, and canonically elected.

The conclusion then is, that *Clement* cannot

Abbin dicitur
cet de vitanda
nu. 11. ver. ex-
posuit Rossi-
ensis.
Or Iohn the
23. or Con-
stance.

Anton. Floren
Histor. part. 3.
tit. 21. c. 24.

Indistinctio licet
de vitanda.

D. cap. in no-
mine domini.
Ab in d. c. licet
de vitanda.

be called nor held a true Pope, both for that he was chosen by such as had no power to chuse, as also because that choyce by them made, was wrought by fraude and deceite, and to the iniury of another lawfully chosen before, and was therefore voyde, though it had beene done by such as had beene lawfully enabled to make election. For though the law command that no exception bee made against a Pope once made, howsoeuer hee bee chosen, yet that the Law meaneth other errors or imperfections in the election, which do but darken the beauty of an election, and not these two, when either the Electors haue no power, or that it is compassed by fraud, which destroy the very nature of an election, appeares by another law, by vertue whereof an exception made against such an election is admitted for good, as also one of the greatest commenters vpon that former law it self doth evidently proue.

15 To proceed Successively, *Paul* the fifth that now is, cannot be called nor held the true Pope, seeing he also was chosen by the same Cardinals who were no true Cardinals, and therefore had no power to chuse. But besides that, there is also another cracke and flaw in his election. For when after *Clements* death 61 Cardinals consulted in the Conclauē, touching one to be his successor, at last after good and mature deliberation 44 Cardinals, who make two full parts of 61, agreed vpon the Cardinall of *Florence*, and tooke him though sicke and lying in his bed, and made him be carryed into the Chappell of *Sinlum*, that they might inthronē & adore him as Pope, and whilst according to the custome they expected the rest who

who being scarce a third part, could not hinder the Election thus already made; the other two parts in the meane time did vse the *Florentine* Cardinall as Pope, and accordingly demeaned themselves towards him, some exhibited Petitions to him, some begged one fauour, some another. But see how it fell out. Amongst them that were of the other third part, & were now a coming, were Cardinall *Baronius*, and with him Cardinal *Infinian*, & *Montalto*, and euen as they were at the doore of the Chappel where the new elect Pope was with his Electors, *Baronius* cryed out with a loud voice that they all might heare.

What? will you shame vs all? will you chuse such a one Pope as in all his talke, at euery word, speaks In omni verbo misceat priapum.
baudity and filthily to the great scandal and shame of all Christians?

And indeed such kind of talke is so little regarded in *Lunbardy* (of which Prouince this Cardinall was) that it is the common and ordinary custome in most mens mouthes. Vpon which words and other by him clamorously blustered out, all the 44. Cardinals which had elected him, perfidiously forsooke him, whom before they had lawfully chosen, and leauing the poore *Tuscan* Pope in his bed to wrastle with his Feauor, went out, & presently as the plot was laid, chose Cardinal *Borghesius* by publike acclamation, and carrying him to another Chappell in the Conclauē, did there performe to him the vsuall adoration. All which considered, & the truth thereof being vnsallible, it followeth for certain truth, that all the reasons & exceptions formerly made against *Clement*, are rather stronger against this *Paul*.

Butrio.in cap.
vestra de co-
habet cler. &
mulier.
Butrio.ibi.ver.
venio ad quar-
tari.
Clem. appel-
lante de appel-
lat.& plura ad
hoc per Iacob
Card.de Con-
cil.l.3.art.1.
nu.141.& seq.

16 Now to conclude, seeing all these particu-
lars against *Sixtus*, *Clement*, and *Paul*, & the Car-
dinals created by *Sixtus* are notorious & known,
there needs for their conuiction no more but
allegation, for the Law is cleere that in crimes
notorious, neither Libell, nor formality of accu-
sation are necessarily required, especially in the
case of such crimes as concerne the publicke and
generall good to haue them discovered and pu-
nished. And it is also cleere, that in such a case a
Councell may proceede by way of inquisition,
for it sufficeth, that that which is notorious bee
but alledged and propounded, as all Lawyers do
teach. And so much the rather, for that those
things I haue thus declared, cannot be cald into
doubt or question. For if any man obiekt that
these things were done in the Conclaue, and
therefore though they were true, yet were done
in such secrecy, that to me and others no Cardi-
nals they could not bee knowne: let him know
that matters done in the Conclaue, be they good
or bad, direct or indirect, vpright or corrupt are
alwaies kept secret, or at least presumed so to be,
whilst the Conclaue is shut: But when it is ope-
ned, the election done, and the Cardinals are
out, they tell all things, some one thing, some
another, some to one friend, some to another (as
it is for the most part in all Councels, Parlia-
ments, and Councell tables) and so all things
come out by degrees, and come to be knowne, e-
specially to such as are giuen to obserue and in-
quire into such proceedings. And besides, each
Cardinal hath two seruants attending him in the
Conclaue, these yse to write exactly all the passa-

ges and acts done euery day, and afterwards for mony giue out Copies, whereof you may be sure there will be buyers enow, and no man needs to doubt but he that will giue Gold enough shall haue perfect notice, and full declaration of the most secret matters that haue at any time past, during the whole time they were shut vp.

CHAP. II.

Another cause and matter proouing the necessity of a generall Councell, in regard of the notorious Symony of Paul the fifth, the present Pope.



Et your Maiestie be pleased I beseech you, diligently to reade, and aduisedly to consider the ensuing reasons and allegations that I heere propound and declare against the Intruder now aliue, and vsurping the Papacy vnder the name of *Paul* the fifth, whereupon, and for which it cannot be denied, but that a Councell ought of necessity to be called. And first of all, let this be presupposed and laid downe for a ground & *Maxime* (whatsoeuer any filthy flattering Parasites imagine, speake or write to the contrary) that the Pope as Pope is not free from the crime of Symony, nor exempted from exception in that case, as *Aquinas* proues at large, concluding and resolving that the Pope as well as any other may incurre the vice, and come within the compasse of the crime of Symony. Now this crime is so much the greater and fouler, the greater the person is, and the more

*Aquin. Sum. 2.
2 100. art. 2.
ad 7.*

more eminent place he holds that is guilty of it. And for better illustration of this ground, wee must know that howsoever the benefices, treasure and riches of the Church are the Popes as principall Steward, and dispenser of the same, yet are they not, nor do they belong any way to him, as Lord, owner, and possessor of them: If therefore the Pope takes money for any thing spirituall, he intangles himselfe, and incurreth the crime of Symony. Of this opinion are all the Diuines that write vpon the place of *Aquinas*, as Cardinall *Caistane*, and the rest. And the same *Aquinas* in another place teacheth the very same doctrine, and that doctrine is agreeable to the Canon Law it selfe, and that Canon Law is taken out of an ancient Councell, where according to Saint *Hieroms* translation, all the old high Priests are recounted, and then it is said: Let no man doubt but for the sinnes of the high Priests laid downe in this Chapter (of which Symony was a chiefe) *Hierusalem* was destroyed: And to shew that the same doctrine and law stands still in force. The Councell of *Basil*, euen for this crime and sinne of Symony, called in question, examined, conuicted, and condemned *Eugenius* the fourth then Pope, and depriued him of the Papacy. The words of the Councels decree are these:

Concil. Basil.
Sess. 34.

By this definitiue sentence of the great and vniuersall holy Councell, which is heere recorded in writing for all the world to know, and all Posterities to take notice of, the Councell pronounceth, decreeth, and declareth, Gabriel formerly called Pope Eugenius the fourth, to haue bene, and to bee a notorious

notorious and manifest, and continuall rebell to
 the warnings and commandments of the univer-
 sall Church, and that he still persist in the said open
 rebellion and disobedience, and doth therefore con-
 sider him self a wilfull contemner and violator of
 the holy ancient Canons, a pervertor of the peace
 and unity of the Church, a notorious scandalizer
 of the universall Church, a perjured incorrigible,
 and schismaticall Symonist, and therefore a forsaker
 of the faith, an heretic, a didapicator, & consumer
 of the rights and riches of the Church, committed
 to his trost, and hath thereby made himselfe an
 unprofitable member, and not onely unworthy and
 unfit for the Papall power, but of all other title, de-
 gree, honor or dignitie Ecclesiasticall. Whom the a-
 foresaid holy and generall Councell doth by the
 power of the holy Ghost declare and pronounce to
 be by the Law deprived of the Papacy and Bishop-
 pricke of Rome, and by these presents is doth re-
 move, depose, deprive, and throw him out.

Hilbert the words of the Councell.
 All the learned know this to be true. Now
 will I make plaine & discover to them what they
 doe not know, by shewing that the like Symony
 was obuer committed in the Church in any ages
 past, as hath bene hitherto, and is still daily prac-
 tised by this present Pope. In the Datary, which
 is an office at Rome, wherein all matters of bene-
 fices and businesses of that kind are expedited,
 this is the course & custome at this day, it is du-
 ly observed that the benefices belonging to the
 Popes collation, whether referred to his gift, or
 falling void in the month, that belongs to the
 Papacy; which in regard of their faire distance
 from

Or else his
Sonne.

from Rome, or for that they are with Cure, cannot be given to his Nephew *Borghesin*, are given to some of the sutors, or Competitors that are of that Country or next adioyning to it, for they take order that none be bestowed presently, but lye vacant for a time, that so a whole concurrence of Competitors may flock together for it, which is not done for any good end, that so they might know the difference of the sutors, and give it to the worthiest, as by the decree of the holy Council of *Trent* they ought to do, but that they may learne who is the richest, and so may know how to make the best bargaine: To which end the time of this confluence or competition is appointed at a certaine day, wherof publike notice is given, that so all sutors may come, and that the Officers of the Datary, may learne in that meane time, which of all that seeke it are best able to buy out and extinguish the pension that is laid vpon that living, for this is the fashion now in vse, the Pope chargeth every living in his gift, with a pension more or lesse, ordinarily it amounts to the halfe of the whole value of the benefice, if but to a third part, it is held easie and favorable, but sometimes it extends to two parts of the whole, deuided into three, which done, he provides by another ordination, that by present payment of five yeeres profit, the pension shall be extinguished. Now when by this concurrence & comparison of Competitors, they have found out which of them all is best able to buy it out, to him presently it is conferred, and so in stead of the worthiest, the wealthiest carries it away; for all that stay and delay, and making many lye for it, is not to pick out the worthinesse of the person, but the wealth

of his estate to whom they giue it: And thus are all the Popes liuings bestowed at Rome. Now he that comes thus to a Benefice by paying downe five yeeres pension aforehand, buyes it full deere, for he payes for it at the rate of thirty in the hundred, ouer and besides his personall seruice, and discharge of the Cure of Soules, whereunto hee is tyed and bound by law: For the clearing of this point, suppose a Benefice bee worth three hundred crownes a yeere, this is sure to be charged, being so great a liuing, with a pension of the largest size, namely some 200. that so a 100. may be left for the Incumbent. He then that comes to it in this manner, paies down 1000. crownes for the pension, and 100. more for the Writing and Seales of his Bulles, and for expedition: and so all laid together, he buyes his liuing of 300. a yeere, at the rate of thirty for the hundred, besides his personall seruice and cure of Soules.

3. Moreouer, whereas in the holy Council of *Trent*, certaine simoniacall tricks & deuises, cald *Regressus*, and *expectatine* are flatly forbidden: the Pope to delude the Councils decree, grants *Co-adiutorships*, with assurance of future succession after his death, to whom he is made a *Co-adiutor*, but makes them pay one yeeres profit for the expediting & dispatch of their Bulls. Now these *Co-adiutorships* are the very same, and tend to the very same end, euen to bring in by hooke and crooke, huge summes of mony, for by these pensions and buying out of pensions, this Pope hath scraped vp twenty hundred thousand Scutes, al which he hath bestowed in buying Lands for his Nephew. It is a common tricke in Rome, as they that either read or trauel, do wel know that Popes and

Cardinals in these latter times call their owne bastards brothers or sisters children. But *Alexander* the sixth, and *Paul* the third, in elder times dealt more plainely, and were not ashamed of them (though bastards) but kept them in Court & aduanced them to honor as their children, as *Cesar Borgia*, the Duke of *Parma*, and many more. These particulars I am sure of.

1 He bought of *Savelli* a goodly large territory, called *Rignanum*, neere vnto Rome, at the price of 353000. Scutes.

2 The citie of *Sulmona* in the kingdome of *Naples* he bought of the King of *Spain*, and gaue for the same the summe of 150000. Scutes.

3 Hee purchased those goodly demaines called the foure *Casalia*, within the territories of the City of Rome, which cost no lesse then 700000. Scutes.

4 In the mountainous Countries belonging to the Citie, which are commonly at this time in the hundredth, he made a purchase that stood him in 400000. Scutes.

5 He hath built a Pallace, and called it after his owne name, the Pallace of the *Borghesies*, vpon the fabrick whereof he hath bestowed 300000 Scutes.

6 He hath so enriched the Cardinal *Borghese* his Nephew in priuate stock and wealth, that his very moouables are esteemed worth 600000. Scutes.

Good God, what a mighty wealth is here? and I appeale to any that knows the Court of Rome, if this could be by any meanes got together into the Popes owne coffers and priuate purse, but
only

onely out of that office of the benefices called the *Datarie*. Therefore this one demonstration is presumption sufficient enough to proue his foule and detestable Simony, seeing it is certaine that the whole name and blood of the *Borgheses* were but of a meane estate, nay many of them are knowne to haue run out of their liuings, and to bee little better then bankerouts when this man got the Popedome.

4 Yet notwithstanding, that our sayre and sincere dealing may better appeare. I will iustifie all I haue sayd to be true, out of the authentickall bookes, records, and writings, extant no where else but in Rome it selfe. For out of the Register of the Popes Bulls it shall appeare, to whom each Benefice hath been giuen, and with what pensions they haue beene charged. And it shall also appeare, that the Pope hath reserued all those pensions in such a secret mental reseruatiō, as it was neuer knowne for whom, or to whose vse they were reserued. But it shall be found that the sayd pensions were afterward by compact extinguished with the Master of the *Datary*, as the Proctor of that vnknowne person, to whose vse the Pope had formerly reserued them in his secret thoughts. The *Spanish* nation can giue large testimony in this case, for many *Spaniards* haue dealt in busineses of Benefices at Rome, & haue transacted them in this manner: If therefore they bee called and compelled by soueraigne power that needs not feare the Pope to tell the truth, euen they alone can make all good that I haue sayd. And for better helpe to the truth, I here make it knowne, that the Bulls instruments

and writings of and concerning the saide Symonickall bargaines, and buying of Benefices, are all to be found in the office of *Bettus* a publike Notary to the *Auditor of the Chamber*, in a certaine particular record there kept in secret belonging specially, and onely to the *Borghesis*.

Jacobat. Card.
de Concil. l. 4.
art. 3. nu: 55. &
plur. seq.
C. parer. 1. q. 1.
& c. per tuas
de simonia. &
in c. presbiter
ver simoniaru
hærefini. & in c
benedict. o. ver.
in maledictione
conuertit? & c.
cauendum. 1. q.
& Jacob. Dom.
nu. 59. & seq.

5 Now for these so notorious Symonies of the Pope, that a generall Councell is to be summoned, and with al haste called together all the learned in the world do know, as the famous Cardinall *Jacobatus* proues at larges: for it is a cleere case in Law, that Symonists are to be detested & euenspit vpon by al meanes no better then prime and principall heretickes, not one but ancient & authenticall Canons do affirme it. And the foresayd Cardinall doth there teach, and produceth many authorities to confirme it, that a notorious Symonist is a plain hereticke: now heresie as it is great in all, so is it most greuous, horrible, and enormous in the Pope, for he is appointed to ouersee the Church & well to gouerne it, but hee may not do that by which the state of the whole Church is hurt, and the very face of it besmeered and defiled. And whereas al men, especially those of higher places in the world, ought all to take example of holines from the Pope (who hath the title of holines giuen him, which is to no creature else in the world.) Contrariwise, by these his notorious Symonies, deuotion and religion decaies in the world, & is in danger to be vtterly extinct, when all the Princes, great persons, and lay Patrones of the world shall see the Pope, who these hold themselves bound to follow, take such base vnworthy, & irreligious courses, to sell for mony that

Card. Zabarel
in 1. Constitutis
de regiosis do-
minibus.

that which is due only to vertues and well doing.
As also is learnedly and largely laid downe by
another Cardinall of the Romane Church.

CHAP. III.

*Of many more materiall causes why a generall Coun-
cell should instantly be called against the now Pope
called Paul the fifth: by which it is proued that he
is a troublor and disturber of the peace and quiet
state of the winerfall Church.*



When the Popes crime is notori-
ous, so as thereby the whole
Church is scandalized, then
ought a generall Councell to bee
called together, that there bee
may be heard and iudicially proceeded against.
This is cleere by a famous Glosse vpon the canon
Law, and such a Glosse sayth *Panormitane* as is
receiued and approoued of all. And the famous
Lawyers, *Baldus, Romanus, Petrus de Monte, Iaco-
batius*, &c. do teach with one consent that all the
whole world approoues that glosse for good law.
And at this day, since they wrote it is canonized
and made authenticke by the Councell of *Con-
stance*. *Panormitane* sayth, that there cannot be any
error or fault knowne to bee in the Pope, by
which the Church shall not be scandalized: for
if he that is annoynted shall finne, the scandall of
his offence shall make the people offend also, for
proofe whereof he alledgeth *Moses* in *Leuiticus*,
and it is related in the body of the canon Law.
But according to the surer opinion, and which
Relin c. magnæ de voto. Iacobat, card. de concil. lib. 8. art. 4. n. 2. Math, 18. chry-
sost, in Math.

C. Si Papa dist.
40. Abb. in cap.
significasti de
elect. & in c.
proposuit; col.
final. de conce.
prebend. & in c.
cum vidisset.
col. 3. de Iudic.
Bald. in c. olim
de rescript.
Roman. in
Consil. 124.
Pet. de Monte
in tract. depo-
test. papæ. c. de
concil. præmi-
nentia, n. 13.
Idem in c. de
modis resisten-
di Papæ. Eccle-
siam turbanti,
Iacobat, Card.
intra de Con-
l. 3. art. 1. n. 170
& seq.
Concist. consil.
tit. de autorit.
sacri Concil.
cap. 1.
Abb. in præ-
posituit de co-
mes. preb. Lenit.
Math, 18. chry-

Gloss. in cap. si
 peccauit. 2.
 9. 1.
 1. Reg. 8.

we may safely rest vpon, that Glosse is to be vnderstood of such a crime of the Popes as is made notorious and brought into publike notice with the greater parts of the Prelates, and Gouvernors of the Church, and the Princes and great persons that liue in the Church euen of the Laity. (And this is sufficient to proue the Church scandalized if they be; and that his crimes are notorious to the Church, if they be to them :) for when Christ bids, *if thy brother sinne against thee, &c. tell the Church.* S. Chrysostome interprets it thus. Tell the Church, that is, those that gouerne the Church, as it is also related in the Canon Law, and where as the Scripture sayth that *Salomon* turned his face, and blessed the whole Church or congregation of *Israel*, the Church is not taken for the whole people of *Israel* (for all the people, neither were; nor could bee present there,) but for the Princes, Priests, and chiefe of the people. Therefore then the Church is truly scandalized by the notorious and enormous crimes of the Pope, when they are knowne, and notice taken of them by the principall members and gouernours of the Church and Christian states. And that against a Pope thus scandalizing and offending the Church by his notorious misdemeanours a generall Councel may be summoned and assembled, is out of all question: and that the Councell so called hath power to let downe such remedy as to them shall seeme best, be it by correcting & reforming the Pope, if he be corrigible, and his faults may admit pardon, or by deposing him, if he be vncorrigible, or his crimes by their enormitie be not pardonable. And this the best Doctors

do teach and proue at large.

2 Now that *Paul* the present vsurper of the Papacy, doth trouble the state of the vniuersall Church, and gites occasion of foule scandall to all the christian world, I here vndertake to proue in many particulars.

1 Hee defends not the Ecclesiasticall power and iurisdiction of the Church, and the right thereof, which were maintained by his predecessors, and so by them descended to him, and this is notorious to all Princes and Potentates of the world, and to all Prelates and Gouernors of the Church. Nay it is so notorious, that it hath beene in publicke question iudicially. The state of *Ve-*

nice made a law, that Ecclesiasticall persons shall purchase nor take no more lands, and that they shall sell and part with, within one yeare all that of late times they haue possessed. Likewise they are so bold as to call and punish personally, Clearkes or Clergy men in their ciuill or temporall Courts. They haue as good as extinguished the power and iurisdiction of all Ecclesiasticall Courts within their iurisdiction, and shame not openly to professe that they haue full and absolute power ouer all Ecclesiasticall persons through all their dominions, and that from God, so that in a word; there is no hope of Ecclesiasticall immunity to be setled there any more. For they presume to lay violent hands vpon Clergy men, and throw into their prisons enen regular Monkes, nay Bishops themselves, and command them to reueale the secrets receiued in confession and compell them to absolve sinners and penitents as they thinke good. And when for these

Marke good Reader how farre the estate of Venice hath proceeded against the Pope and his power, and against his clergy.

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outrageous courtes, this Pope had layd his censure vpon them, and interdicted their Churches and had called in the Catholicke king to assist him against them, as the rebels of the Church: at last when all things for the warre were now in a readinesse, he fell off like a coward, repented his doings, betrayed his friends and associates, who put themselues into armes in his quarrell, and was basely content, not onely to reuoke the sentence without any due satisfaction on their part, which must needs argue it proceeded from him, either vnaduisedly or vniustly, but euen payd the charges, as hauing done them wrong, for he releas'd vnto them his right in the tenths of Ecclesiasticall livings, which would well repaire their costs and losses any way sustaiued in that busines.

3. Secondly, Moreouer the *Millanois* and the *Florentines* haue begun to set at naught all rights and immunities of the Church, which with them are little better then euen dead and extinguisht. They cal their clergy to contribute to their publike workes, & if they stand vpon it, they compell them: they suffer nothing to be published that comes from Rome, vnlesse it be first examined & approued by their owne iurisdiction. Thus the Breues & Bulls of the Pope are no better vled nor regarded with them then amongst heretickes. Againe, those of the city and siegnory of *Luce* haue thrust & beaten out their Bishop, belike because he stood for the liberties of his Church, & compell their Clergy to aske pardon and take Indulgence from their owne Senate, which they haue in their Churches, and because the Vicar generall did therefore interdict & suspend their Churches they

see how Popery
decaies, and
the Popes au-
thority fals a-
way and is ec-
clipsed and
abridged daily
in Italy.

they runne vpon him with all fury, and prosecuted him with that violence that he was glad to flye for his life, and it was high time, for had hee beene taken they had hanged him. And in a word, matters are in these misgouerned times brought to this passe, that no man in Italy cares for any censure: insomuch as that great and terrible thunderbolt, that deepe striking and farre reaching censure the *Bulla Cana* is not feared nor esteemed by one of a thousand. The Vice Roy of *Naples* presumed so far vpon the very person of the Popes Nuntio, that he commanded him to be thrown out of the window, vnlesse hee presently would bee gone out of the Pallace, when alas he came into his presence but to make sute for certaine prisoners subiects of the church within that kingdome, who contrary to the liberties of the church, were committed to secular prisons, he craued audience onely to be a Petitioner for their release, and loe how hee was answered and entertained. What may we looke for in *England*, *Germany*, *Denmarke*, &c. When the Popes Nuntio, a person priuiledged so many wayes, shall thus be vsed euen in Italy? Nor is this all, if any in that Kingdome of *Naples* take sanctuary, and flye into the Churches, he commands them to be taken out, and executed according to Law.

Thus all Ecclesiasticall liberties are infringed, all Immunities and Priuiledges of the Church are troden vnderfooote, euen in *Italy* vnder the Popes nose, in his sight and hearing. Nay the very Ecclesiasticall Courts all ouer *Italy*, are almost out of vse, and as it were abolished. And

when the Pope heares hereof, or any of those things, he heares it with a deafe care, hee cares not for it, it moues him not, and least he should be moued with any such thing, he takes order to heare of nothing that is tedious or troublesome, or that may bring any grieffe, sorrow, or care with it. If any thing be written from any of the Nuntioes or Legates, that toucheth the wrongs done to the Church, or infringing and weakning of Ecclesiasticall Immunities, the Packets are alwayes intercepted by *Cardinall Borghesius* his Nephew, who forthwith opens all the Letters, and giues him notice of some generall matters, and some such generall and idle answer is againe returned, but no particular is told him of any moment, least it should disquiet his Holinesse, and thus all businesse that concernes the Churches good lies vterly neglected. These things are notorious to all Kings and Princes, and all the Prelates and Clergy do feele it to their smart and sorrow, for they see and find that all rights of the Church, and liberties Ecclesiasticall are falling away to nothing.

4 Now that such sluggishnesse and carelessnesse in the Pope and neglect of the Church, and rights of the same, by him to whom belongs of duty the conseruation thereof, is of great scandall to the Christian world, and is therefore a iust and a powerfull cause why a generall Conncell should presently be called for the due examination and reformation thereof, is a plaine case. And *Durandus* that great Doctor and good Bishop doth strongly proue it: And it is an over-ruled

ruled case, yea a little granted, that he that is altogether vnprofitable or vnfit for the duty of his place, is all one with him that is dead: By vertue of which rule it followeth, that as when the Pope is dead, it belongs to the Electors to fall to the choise of another to succeed him; so when a Pope is become altogether idle and vnprofitable, and consequently burtfull to the Church, prouision ought to be made for the Church, either by his reformation, or setting another in his roome, as Card. *Iacobat* *ibid.* l. 4. art. 34.

5 It must not be denied, but that *Constantine* the great, after he was settled in the Empire, gaue to the Church, Rome as it stood, and great lands together with it: and why all this, but that the Bishop of Rome might be able to maintaine the dignity and iurisdiction of the Church, and to augment the same continually: Hereupon the reuenues of the Church grew so excessiue, as *Sixtus* the fifth, besides all his expences, & debts he paid, and many great workes hee perfected, some of them being exceeding costly, laid vp every yeere in the Castle of *S. Angell*, ten hundred thousand Scutes: From the time of *Sixtus* to this day, Saint *Peters* patrimony is not at all diminished, but well aduanced by the accessse of the goodly Citty and State of *Ferrara*: And at this day it must also bee richer in regard of the great parsimony this Pope practiseth in some kinds, for whereas before his time there was spent in the Popes Court monthly 30000. Scutes, in expences of the Palace. *Paul* that now is, hath brought it downe to 5000. Now then, what becomes of so great treasures of the Church? Why

is he suffered to consume and deuour it? but if he say it is all forth comming, why then is it not made to come forth, and be imployed in maintaining and recouering the dignity, rights and royalties of the Church? if it be not thus imployed, nor in some other publike vse for the honour and good of the Church then where it is? It is fit the Church should know where her own treasure is, and it belongs to the Emperour and other Christian Monarches to know what is become of it, and no doubt but by the lawes hee may call the Pope to question, and to account in this case, for it is a rule that a Priuiledge though once lawfully and reasonably granted, as this was by *Constantine* to the Pope, if it begin to be hurtfull and preiudiciall, may be lawfully recalled, and consequently the Emperour and Christian Princes may take these huge summes which thus are stole away, and embezilled by tyrants, and those that haue thrust themselues into the vnlawfull possession of them, & imploy them in defence of the Romane Empire, and other Christian dominions, and in the augmentation of the same, by the recovery of the Kingdomes and Countries lost from the same.

c. Suggestum
de decimis.

6 3. Againe, this Pope disturbs the state of the vniuersall Church, in setting to sale the profit and reuenues of Church liuings, and making them things vendible, which is contrary to the nature of them: He hath giuen license to very many Bishops, to pawne or morgage the rents and reuenues of their Bishopricks for ten yeeres to come, vpon pretence thereby to pay their fathers debts. He gaue this leaue to the Cardinall

de Lenis, being Bishop of *Miletum*, that he might pay 100000. Scutes of his fathers debts. And as soone as this vnworthy Bishop (but worthy enough for such a Pope) had morgaged all the profits of his Bishopricke for ten yeeres, and that morgage was made good by the license and confirmation of the Pope, by and by after, he bestowed on the said Cardinall the Archbishopricke of *Ferrara*, and so he left the Bishopricke of *Miletum*, a title without profit, a shaddow without a body to him that should haue it. He gaue leaue to Cardinall *spinellus* to pawne the profits of his Bishopricke for ten yeeres. Nay to Cardinall *Montalto*, to morgage the reuenues of three Abbies: Monstrous things, and not heard in the worst and most licentious times; and not once thought of in the daies of his Predecessors. Now if any of these Morgagers dye, as like enough they may in ten yeeres space, no worthy man will succeed them in those places, or if they doe, they haue bare names without any liuing at all, to the great shame and scandal of the Christian church, and the danger of vtter vndoing those places so morgaged: In this respect therefore he is to be held an vn sufficient, vnworthy, and vnprofitable Pope, seeing he so destroyes and consumes the Church reuenues committed to his trust, and the Law is cleere that it is so.

7 4. Yet further. This *Paul* troubles the state and peace of the vniuersall Church, in not duely punishing the foule faults and shamefull crimes of his Cardinals, and other great persons in the Court, and in the Church abroad, all which are his subiects and creatures: for by the Law he is

Cap. 2, sect.
final, de strat,
Mon.

C. qui. nec. re-
giminis 2. q. 7
Durandus de
modo gen.
con. celeb. part
1. rub. 1. n. 5. &
rub. 4. n. 59.

no better then a dog, or a filthy shamelesse creature that corrects not the enormous crimes of them that are vnder his power. And *Durandus* proues it, that such a one is not to be held or called a Pope. Now how farre he hath misbehaued himselfe in this kind, and how foulely hee hath shamed all Christian Religion, doe you iudge most wise King, and all other Christians by these particulars following, which hath a trembling hand, and a sorrowfull heart, the truth and the necessity of these times compell mee to discouer. Alas, how notorious is it in the Court to all that know or obserue any thing, that two of the Clergy, nay euen Cardinals doe lye with their owne Kinswomen, I am ashamed to speak it, euen their owne brothers wiues: and who knowes not that one of them, not onely hath one of the youths his Catamite, or Sodomiticall companion, but that he vseth as good as all his followers in that abominable fashion: Oh Iustice where art thou! Is there no place for thee in the Court of Rome? Let any man answer for him if they can, What iustice was it to command two Sodomiticall youths, an Italian the one, the other a Flemming, to be burnt in the backe, and marked for Buggerers, and to suffer no Proceffe in Law to proceed against the filthy Sodomites that were the doers and were accused and openly detected by the, young men. I deny not but their punishment was iust, but if that were iustice, what was it then to spare them whose fault was farre fouler: for by all law and reason, in that horrible, and not to be named offence, more sottile is the fault of the Agents then the Patients, and consequently farre greater

The truth
hereof, and
much more as
ill and worse,
M. *Shelden*
confirms on
his knowledge
in his Suruey
of Popish mi-
racles offer
then once.

greater the punishment ought to be. And why suffers he not law to passe vpon her, that as it is said poisoned his brother? Is it not because the guiltinesse of his Nephew in so foule a crime should be known to the world? Thus Iustice and Iudgement are asleepe or dead, and thereby vertue is banished, vices beare rule with brazen faces.

Or at least provided payson for him, for the word is Veneraria

8 - Now what saith the Law to the Pope that sits and sees, and suffers these things, euen this: He is not a Bishop, but an impudent and shamelesse dog, that corrects not the faults of such as are vnder his power. And another text saith, that he highly offendeth God, though he be not so ill himselfe who lets the sinnes of his subiects to passe vnpunished: And if any to excuse him, say it is pittie, mercy or charity that makes him thus forbear them: that helps not, for as *Augustine* answereth, it is not charity but lazinesse, carelesnes, want of zeale, feare of God, and loue of vertue, nay, euen want of charity it selfe, not to correct great and scandalous faults, for how can that be called loue that cares not how euill any one bee? Another Text of the Law saith, that they sinne grieuously that offend and scandalize others: And another, that such scandalizing members in the Church are to be cut off, bee they neuer so great: And that for remoing of such a scandal, a generall Councell is to bee assembled, *Mantua* proues it by good Law, and the opinion of al the Doctors.

C. Nemo diff. 73.

C. Si it 23. q. 4.

Aug. in Epist. Iohan. relat. 23. q. 5.

C. Cawidura 10. q. 3: C. Ille distinct 93. C. Illud 24. q. 3 C. Vxor. 24. q. 1 Mantua de concil. n. 216.

9. Fifthly, but are these all the euils and scandals the Church and Religion receiue by this Pope? Nay, yet further hee foulely disturbs the state and order of the vniuersall Church, in gi-

Petr. de Mont.
de potest. papæ
cap. de modis
resistendi Pa-
pæ Ecclesiam
turbanti. nu. 3.

Card Caiet.
super. Tho. 2.
2. q. 100. art. 1.
in fine.

2. Cor. 4.

using almost all Benefices and Ecclesiasticall ti-
nings that come to his hand, to his carnall kin-
dred: That this is a publicke iniury and distur-
bance to the whole Church. *Petrus de Monte*
prooues at large, in that booke he wrote of the
meanes how to resist the Pope when he hurts and
troubles the Church: and so doth Cardinall Ca-
ietane vpon *Thomas*, where he saith:

*The Pope is not Lord of the goods, treasures, and
linings of the Church, but high steward of them:
Neither can he by the fulnesse of his power, nor
height of his Prorogative, giue as his owne plea-
sure such goods or linings as to his owne kindred,
or whom else he will, but he is bound to bee a iust,
wise, and faithfull Steward, accordinge to that of
the Apostle: Now amongst Dispensers and Ste-
wards it is expected that euery one be found
faithfull.*

See, euery one, therefore the Pope, though he
be the happiest, nay rather because he is the high-
est, lest all ynder Stewards bee vnfaithfull by his
example: Now that this *Paul* is shamefully guil-
ty in this point, I shall make it euident to your
Maiessty, & all Christendome by making knowne
his daily practise.

All the Benefices or Spirituall Linings with-
out Cure by what meanes they become va-
cant, be they great, or be they small, hee forth-
with heapes them on his Nephew Cardinall
Borghese: for if they bee of good value, then
without delay or further consideration of any
circumstances or conueniency, or distance, or
state of the people, those he giues him: If they be
small, how small soeuer they be, so they bee in

Italy,

Italy, hee forthwith makes an vnion of that little liuing to some greater, and so being vnited, that greater is giuen him also: So that there is no way for any man to obtaine any liuing in *Italy*, which by the largest sense of the Law may be iudged to bee without Cure, but only that young Cardinall, who by these indirect and vnworthy courses, hath as many spirituall liuinges on his shoulders as would well suffice halfe of all the Cardinals, for it is in every mans mouth, that Cardinall *Borghesius* hath no lesse then two hundred and fifty thousand Scutes yearly reuiew of Church liuinges, (Oh miserable and monstrous thing, and neuer heard of in the former, no not worst times!) And behold the partiality and vnequall dealing of this Pope. To the rest of the Cardinals it is a shame to see how base and miggardly he is, except to his owne creatures and vassals, and to them also more then will easily be beleueed, for as he neuer giues the any Benefice freely and simply: so he giues them but a little, & that little not cleerely; and if any man tender a resignation of a liuing for another, simply and freely he will neuer admit it. Hee holds it for a rule to himselfe, that it is not good the Cardinals he makes himselfe be ouer rich, but rather poore then rich, therefore hee giues them generally of the smaller liuinges: And if sometime perhaps he bestow on any speciall fauourite of them, some rich Abbey or good Bishopricke, he chargeth it with some good round pension to bee yeerely paid out of it to his Nephew *Borghesius*, to as he leaues to the possessor neuer more then 2000. Crownes a yeare at the highest rate, and in the

like manner are all the Bishoppricks of the world bestowed that are in the Popes guift. By which meanes almost all the Cardinals are but *Borghesius* factors or Stewards, to gather vp the pension and other profits accruing to him out of Bishoppricks & Abbices, and to pay them in to him. Againe, he suffers his Nephew to take and leaue, to chop and change, and turne ouer all the Bishoppricks and great liuings as he list. He gaue him the Arch-Bishoppricke of *Bononia*, which whilst he held, there fell a possibilitie, that the Arch-bishoppricke of *Ferrara* better then the other would shortly also be void, and because hee could not by the law hold them both, a way was therefore deuised, that *Bononia* should be resigned, and so it was: but how? not honestly, plainly, and simply. But hee found a base fellow who was content to beare the name of the Arch-Bishop of *Bononia*, and accept his resignation, but to bee content with some 2000. crownes a yeere, and to be steward and factor for *Borghesie* for all the rest, which is much more then was left to his successor, for his personall attendance. Episcopall labours and expences. Mighty God, what infinite summes of money come in continually to that Nephew of his? Arise O God of Iustice, looke into it, and stirre vp some that shall call it into question, & examine what is become of it. Now how much the quiet state and good order of the vniuersall Church is disturbed by these courses, who knowes not, nay who almost feesles not: for by this meanes nothing is giuen for learning, nor to learned men: but they be learned men that the Church hath need of; and not proud, pampered

full fed Asles, which exalt themselves aboue the Cedars of Libanus, though if you speake of learning they be as blind as Moles, dumbe as a fishs wife as Woodcocks, and scarce can tell how many fingers are on their right hand. But no matter for all this if they be his and his Nephewes favorites or kin to them. And yet *Durandus* in his booke written of the authoritie of a Councell, teacheth and proneth that the Church by a generall Councell ought to provide and take order that the Pope do not exalt and enrich his carnall kindred by the Church livings, or Ecclesiasticall treasure, and that he bestow not more on such of his kindred as be in holy orders then shall be agreeable to their state, condition, and deserts, & that he raise not his kindred to honour and nobilitie aboue a competent proportion. But seeing this *Paul* surpasseth all his predecessors in this point, my motion therefore is but iust, legall and reasonable, that a generall Councell be called against him, to reforme this foule disorder.

Part. 3. rule 28
nu. 11.

10 8. And to conclude this Catalogue of his enormous disorders and disturbances of the Church, who knowes not how much it concerns the honour and happy welfare of the Church, that the Cardinals of the Romane Church be every way good and worthy men. To which end for preuenting of future mischiefes in that kinde it was thus decreed in the Councell of *Basil*.

Council. Basil.
de numero &
qualitate Cardinalium, Sess.
13.

whereas the Cardinals of the holy Roman Church are the collaterall assistants to the Pope for his better governing, ordering, and directing the Christian world, it is behoofesfull therefore that according to their name, they be indeed Cardines

that is the Hinges upon the shoulders of whose
 wisdom the gates and doores of the vniuersall
 Church may not onely depend, and open, & shut as
 occasion is, but euen safely rest and be sustained.
 To which purpose the holy sacred Synod decreeth,
 that hereafter first for their number it be so mo-
 derated that it be not burdensome to the Church,
 nor grow vile and contemptible by being over-
 many: And we will that as farre as conveniently
 may be, they be chosen out of all nations of the
 Christian world; that so knowledge may becom
 had of all businesses and affaires, falling out in e-
 uery country, and order taken in all things the
 more seasonably as the business shall require. Pro-
 uided their number shall not exceed 24. and of
 this number there may be some, but very few the
 Sonnes, or Brethren, or nephewes of Kings or great
 Princes, in whom in regard of their excellency and
 eminency otherwise, a competent measure of
 learning shall suffice, being accompanied with cir-
 cumspaction, or experienced in wisdom, and gen-
 tlenesse of manners, &c.

You see what order the Councell tooke: and
 if you would know what minde the Doctors are
 of touching this poynt, let Iacobatius, himselfe a
 Cardinall speake for all: he after a long and seri-
 ous disputation vpon this very matter now in
 hand, thus concludes:

I am cleere of opinion, say I beleue it, that if the Pope
 misled by carnall reasons shall promote many to be
 Cardinals, who by their unworthinesse are incapa-
 ble, and do prone vnprouable and hurtfull to the
 Roman Church, that danger is so great that there-
 by is threatened vpon the whole vniuersall Church,

that

that this alone is sufficient cause of calling a General Councell: and if the Pope refuse or delay, it may assemble of it selfe without him, for a Pope refusing to call a Councell when need is, seems to make himselfe a stranger to the Church, and gives cause to be suspected in his Religion. and so, but

These be the Cardinals owne words, as a resolution to that question. Now let vs see how this Paul hath demeaned himselfe in this so great and weighty a matter of trust, namely the furnishing of the Church with worthy Cardinals: first he sets it downe for a rule, that he will have no learned Cardinals in the Church; and why? but lest they should discover his shamefull ignorance, & his horrible errors and misdemeanors; and lest they should trouble his consistory with motions that concerne the publicke and generall good of the whole Church, which must needs hinder him in prosecution of his private ends, which he only cares for. Then this is the course: he seeks vp & downe the Court for such onely to be Cardinals as may adhere onely to his Nephew to make him Pope when it next falls voyd. To this end, first he will have them yong men, who in likelihood may live to see that day; next, they must be ignorant Asses, deuyd of learning; nay further, base, and void of all generous dispositions, that so they may be content with meane reuenues, and consequently may the more absolutely depend on his Nephew, who they know is able to do for them. And thus it is manifest that the Cardinals hee makes are created on corrupt & carnall grounds, even that himselfe may the more securely rob & spoyle the Church for his owne time, and make way

“ way for his Nephewes (the Herenickes will vn-
 “ happily say his sonnes) preferment to the Papacy
 after himselfe.

“ 11 Burlet vs make this good in particular in-
 “ stances. Harken ye good Catholickes in Eng-
 “ land, Germany, France, &c. Who good soules
 “ doe verily thinke that at Rome is nothing but
 “ holinesse, deuotion and mortification, and in-
 deed Heauen vpon Earth: The Cardinals *Lan-
 zes, Capponus, Barberinus* and *Spinola*, where did
 these foure get their learning? in what Vniuersi-
 ty proceeded they? nay, what learning haue they,
 or euer had, but to know how to make and con-
 traine exchanges, thereby to bring in the great
 summes into *Pauls* purse? And how ascended
 they to their Cardinalships? Doe not we know
 the Offices they had before? and full freely they
 came to their red Hats, for *Paul* would not haue
 anything for making them Cardinals, but hee
 knew well the *Auditors*hip of the Chamber was
 richly and readily worth 70000. Scutes, the
*Treasurers*hip of the Chamber as much, and the
*Clarks*hip 30000. these offices they must part
 withall to the Pope freely, and then as freely they
 are rewarded with Cardinals hats, and shall haue
 the grace to be accounted the creatures follow-
 ers, and favorites of Cardinall *Borghesius*, the
 Popes Nephew.

And when hee hath made them Cardinals, li-
 uing he giues them none, for hee makes such as
 by their liues and behauiours in their former
 Offices he saw could tell how to liue in a meaner
 place then a Cardinalship: And Pension or Be-
 nefice, he giues them none, vnlesse such as his
 Nephew

Nephew is not capable of, nor cannot hold by Law.

But what shall I say of **Cardinal Tontus**, **Lanfrancus**, **de Lenis**, **Philonardus**, and others, whose names for shame I suppress in silence. **Tontus** was a plaine Solicitor of causes, and so poore a one, and had so poore employment, that he was comonly called the Solicitor without causes, his best meanes of liuing was a poore Pension of 15. Julios monthly out of **S. Rokes** Chappell, given him for playing on their Organs on festiual daies.

Thus an **Organist** on the holy day, and a **Solicitor** on the weeke dayes, is fit to bee a **Cardinal** for such a Pope as **Pius**. And as for **Lanfrancus**, hee is so ignoble, obscure and base, as to this day it is neither knowne where he was borne, nor whole sonne he was, and answerable was his employment, for in the Hospitall of them that are sick of incurable diseases at **Naples**, he liued by helping to cure the Poxe, or French disease. Was not heere a goodly possibilitie and a faire step to a Cardinalship? And yet no better place nor employment had he when he was called thereunto. But as for those other two, namely **De Lenis** and **Philonardus**, Cardinals should I call them, or rather carnall beasts, for Cardinals should bee pillars of the Church, but these be rather pillars of hell, I say no more for shame. Behold now you Princes and Peeres of Christendome, are we not brought to miserable cases when these are the men by whom the Christian world & the church is to be gouerned, is not the Church like to bee well gouerned? and are we not like to haue good Popes hereafter when they are to be chosen out

Marke good Reader, the Pope in his booke of Ceremonies ordaines that cardinall Bishops are to haue prece-
dence of kings
cardinalpriests
of kings eldest
sons, & cardinall Deacons
of other free
Princes? Now
are not these
fit and worthy
cardinals to
haue prece-
dence of Prin-
ces? and is not
she to be held
a wise mother
church, and
worthy to gou-
erne the
whole world
that makes
such equall &
reasonable
ordinaunces?
Or rather is
not this the
stepmother
that hates the
true children
nay the shame
lesse strumpet
and whore of
Babylon?

of such as these? Alas will all men sit still and seeke themselves, & suffer the Church to fall to ruine euery day? What will become hereof in the end.

12. Now by all these the Church is the more grievously scandalized, for that all men do verily beleue that this *Paul* doth all these foule, disordered, irregular, and irreligious things for this very end, that he may leaue his Nephew *Borghese* his successor after him in the Papacy, for *Paul* being now newly past his middle and mature age, and but entring into that state of life we call old age, hath hope enough to hold out many yeeres, and feeds himselfe with reasonable assurance that he shall outliue all the Cardinals created by his Predecessors, and so in his time renewe the whole Colledge of Cardinals, & leaue them behind him all of his owne making. And to further the same end he generally makes none Cardinals but yong men that may liue long, and those also for learning very ignorant, and for estate poore, that so they may be slaues to *Borghese*, and alwayes be bind vpon his sleeue: and heapes vpon that *Borghese* all the Ecclesiasticall livings, and riches of the Church, besides other infinite treasures in Lands, Jewels, and Money, to the intent that when the Papacy shal be voyd, and another to be chosen, he may by distribution of those livings and riches amongst the Cardinals that are electors, procure himselfe to be chosen Pope. And thus the Papacy and the Church. and all we are bought and sold, and therefore this misery and mischief is now in time to be preuented, for if matters goe on from ill to worse, much more needes come to the Church and Catholike Religion.

Then

Then to conclude.

There is no wise or godly man can deny but that vpon these causes particularly specified, and all ioynely laid together, there is more then iust cause that a generall Councell be assembled for the reliefe and reformation of the Church.

CHAP. III.

That the calling of a generall Councell as this case stands (belongs not to the Pope) but onely to the Emperour.



Lthough it were true, and granted that the calling of a General Councell belongs of right to the Pope, and vpon his denyall or refusall to the Colledge of Cardinals, as after many others

Cardinall *Iacobatus* proues very sufficiently (who handled this matter more largely then any before him) yet all that notwithstanding when the question is against the Pope himselfe, and against the cardinals (whō he hath so vnlawfully created as that in law they be no Cardinals) and against such as take part with the Pope, and are knownt to be guilty of the same crimes with him or them That then the calling of a General Councell belongs neither to the Pope, nor to any, nor all such Cardinals, but onely to the Emperour (and other temporall Princes) is a cleere case to all that know the Law, yet to make it more euident to all men, I will make it good with these Reasons.

When in any matter or cause, the consent of a Prelate or a superiour is required, according to that we finde in the Law: If the question prouo

causam quæ de iudicijs

in cap edoceri
de re script. &
c. gloss. in c.
quam pasteris
2. q. 7.

In c. de iudiciis.
is.

L. J. in prin. c.
fir. et ore preua-
cia, & ibi no-
tar, Abb. in c.
accidens ut la-
te non conte-
stata.

C. ad Apl.
de re iudicata
l. 6. notat in c.
de postulati-
one prelati.
rum & l. quæ
religiosis. Et i-
bi Angelus F.
de Rei, vindi-
catione.

Iacobat d. art.
l. n. 71 & seq
n 74.
Addentes ad
Abb. in c. sig-
nificati de e-
lectione add. t.
an. & c. in 10
limita.

C. Nos ad fir-
nem dist. 90.
L. 1. §. nouissi-
mus F. de ori-
gine iuris l. 1. §.
600. enim l. de
veteri iure
enucleando.

to be against that ~~superiour~~ then his consent is
not necessary, as teach the Doctors and interpre-
ters vpon the Canon Law. And when any Pre-
late or ~~superiour~~, that is head of any body is sus-
pected or questioned, all of that body that follow
him or take part of him are drawne nally into
the same suspition and question, and the same
iudgement is to be giuen of them as of the head;
as *Vincenius* noteth, whom *Pandormitan* followeth
and many more, and *Galins* likewise teacheth the
same. And to conclude, the same iudgement is
to be giuen of the Adherents and Partakers, as of
the Principall is plaine in all Lawes, and by the
Interpreters vpon the same.

Wherefore if the question be against the Pope
and his Cardinals who by the Law are forbidden
to be Iudges in their owne cause, if the question
against them cannot fully be heard and iudged
without a Council. It then belongs to the Em-
perour of right to call the sayd Council he is *La-
cobinus* him selfe a Cardinal proues vidently,
and proues that in such cases is no deuolution
from the Pope to the Cardinals, but from them
both to the Emperour. And of the same opinion
and iudgement are the Doctors that make the
additions vnto *Pandormitan*, and that addition
which begins whether and when the Council is
aboue the Pope.

And if it were not thus that the Emperour
might in this case call a council, it would follow
that the Pope & his Cardinals against whom the
accusation is laid, might destroy the Christian
faith, and overthrow the state of the vniuersall
Church which the Emperour is not to suffer, it
being.

being his duty before God, & by his Law to defend the Church, for ~~him~~ ^{he} represents the whole common wealth of the Christian world, and vpon him is translated, and vnto him deriued notwithstanding authority, but a power and authority ouer the whole world. Therefore, he in the roome and stead of the whole body of Christian Rome, and of all the Christian people of the world is to call together that Councell against him.

3. Againe, when there is a question of notorious suspition against the Cardinals, as namely that they were created by the Pope after he had renounced or resigned vpon the Papacy, then that these Cardinals cannot call a Councell, but that it belongs to the people to doe it, as a cleere case in the Law.

And to the same purpose is the text in the distinctions. But this that the people should call, it is to be vnderstood, when the Councell is to be held in Rome, as Cardinal *Iacobatus* makes it apparant. But when it is in other place than Rome, then it is euident and certaine, it belongs to the Emperor, who stands in stead not onely of the people of Rome, but of the vniuersall World. Yea though it were to be at Rome, yet in truth and strict Law it belongs to the Emperor, seeing it is a cleere case in the Law, that the power of all the people in the world, (see, not some but all, and if all the people in the world, then of the people of Rome, as well as the rest) is translated, and conferred and settled vpon his person. And good reason, for he is a great part of the Councell himselfe, and hath a power and interest to be there in his owne right: the power therefore in this case deuolued vpon him, as the immediate superiour, as appeareth by

l. 6.
C. Si forte dist.
6.
Iacobat. in d.
art. 1, n. 286.

Inc. nulla Ec-
cles. Ministeria
de concess.
præbend,

the arguments of the Doctors vpon a special
chapter of the Canon Law.

4. Now all this that I haue said & written tou-
ching this point, is according to the resolutions
and conclusions which now are holden in Rome:
for if we speake of the former times, then you are
to know that from the beginning, the calling of
Councils belonged onely to the Emperours.

C. Sextam.
&c. habeo li-
brum dist. 16.
C. Valentinia-
nus dist. 63. &
c. mand. 2. q. 5.

Great *Constantine* called the first generall Coun-
cell, as the Canon Law it selfe acknowledgeth:
and the same also appears in the beginning of
the Councell of *Africke*: In like manner *Valenti-
nian* assembled another generall Councell, as
is also to be seene in the Canon Law, where wee
reade that *Valentinian* then Emperour, called to-
gether a Councell, to pacifie and take away a
scandall then raised against the Pope. And so was
the Councell of *Constantinople* called by the Em-
perour in the daies of *Constantine*, the sonne of
Constantinus, as wee may see in the beginning of
euery Session of that Councell, as also in the
Acts of the Councell of *Agatha*, in the beginning
of euery action. Wherefore, though it were
granted, that at this day the calling of a Councell
is reserued to the Pope, and in his default to the
Cardinals: yet shall it follow, that seeing they
both make default, and will call none, because
they both are the offenders against whom it is to
be called, it therefore now belongs to the Em-
perour to doe it, according to that good and an-
cient rule of the Law. *That any thing easily reuertes
to it owne and former nature.*

And if it bee said that Interpellation (as the
Lawyers call it) must first bee made before the

Empe-

Emperour may take this power, it is answered that in cases notorious Interpellation is not of necessity, but they may be adiudged defective or negligent without it, as Cardinal *Jacobatus* Jacobat. in d. art 1. n. 206. Now the present causes of calling a generall Councell are notorious, and the scandall that by them is giuen to the whole world is more then notorious. And this rule holds, euen allowing a reasonable time, wherein probably he might haue done it, although no precise time be limited for the doing of it, as is euident in the Law. And least of all is his Interpellation necessary, against whom the accusation is instituted, and the Councell called.

Vt in simili. c. 1. §. notoria. de consil. lib. 6.

And howsoeuer a Generall Councell assembled by the Emperour, hath not the authority of the Pope, yet may it not therefore be held or called a Conuenticle, for that the Councell it selfe, (as hauing all absolute and Soueraigne authority, when the Papall seat is void, either *de facto*, or *de iure*) is able and sufficient to giue it selfe authority, and in such a case all supreme power shall reside in the Councell it selfe: the head whereof is *Iesus Christ* himselfe, as *Hosius* is the Cardinall proues euidently out of the Canon Law. And so we also doe find in the Councell of *Constance*, namely, that a generall Councell hath his power & authority immediately from Christ, immediately, that is without relation to, or dependance from, or any interposition of the Pope, either when there is no Pope, or such a one as will not prevent great mischiefes and euils that be eminent ouer the Church. And no lesse is also affirmed and proued by the foresaid Cardinal *Jacobatus*. Jacobat. Card. in d. art. 1. n. 197.

Nay,

Nay, to make all stronger. The Councell when it is assembled, may require the Pope to confirme it, which if he refuse to doe, the Councell hath mit cause to hold him in suspicion of Heresie for his refusing to confirme it, and may interpose it owne authority in stead of the Pope, and this is the very doctrine of that often mentioned Cardinal *Jacobatus*.

6 Nor is it to purpose to obiect that thus the Councell shall give authority to it selfe, and to it owne acts (which is against reason and Justice) for the Councell represents the whole vniuersall body of the Church, the head whereof is Christ; neither are the acts of a Councell the acts of any particular person, private nor publicke, and consequently not alike to this, as also the same Cardinal teacheth in the same place. And yet we are to know for this point, that as a Iudge may lawfully pronounce himselfe to bee a competent Iudge, when being so, it is questioned whether he be so or no: So also may the Councell pronounce it selfe a lawfull Councell, and lawfully assembled; and that sentence shall bee good, certaine and uncontrollable, and so was it done in the Councell of *Constantino*, as appears in the publicke Records of the same Councell.

Cardinal *Jacobatus* is so often alledged, for that he is an Author allowed in Rome, in Schooles and Courts, and his Conclusions are held good, and generally received at Rome, so that his

FINIS.

